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ABSTRACT

Although conventional collective bargaining has helped teachers achieve greater professional status, its win/lose approach causes participants to overlook shared educational objectives. Since the first experiments in win/win bargaining, the acrimony generated by the adversarial process has led an increasing number of school districts to incorporate trust, problem-solving, and cooperation into their bargaining procedures. This book describes ongoing experiments with collaborative bargaining, using information gleaned from journal and newspaper articles, reports obtained through ERIC database searches, and telephone interviews and correspondence with personnel in districts employing collaborative bargaining. Insights are shared regarding the most effective collaborative bargaining procedures and pitfalls threatening the process. Chapter 1 reviews teacher union achievement, the pros and cons of union membership, teachers' professional image, and the unions' role in school reform. Chapter 2 examines collective bargaining as traditionally implemented in industry and education and lists reasons for current efforts to restructure the process. Chapter 3 addresses whether the collaborative style can compete with traditional adversarial bargaining as a method of securing higher teacher salaries and benefits. In chapter 4, specific district models are presented to show how districts have adapted collective bargaining processes to their specific situations, focusing on drawbacks and necessary modifications. Benefits and common elements are also summarized. Chapter 5 offers 24 guidelines to consider before, during, and after implementing collaborative bargaining. An appendix presents position statements by four national educational organizations. (50 references) (MLH)

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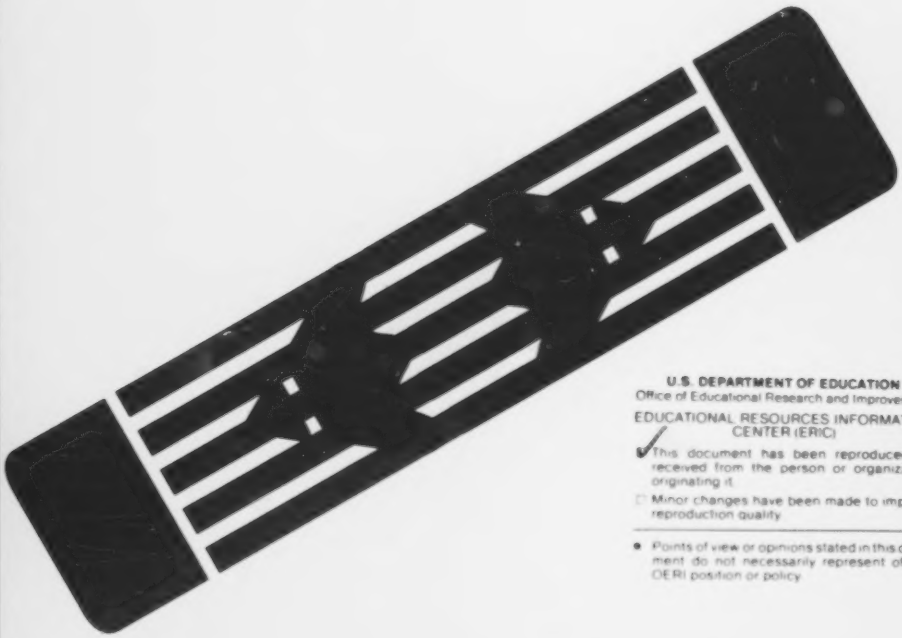
WORKING TOGETHER

The Collaborative Style of Bargaining



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Stuart C. Smith, Diana Ball, and Demetri Liontos
Foreword by Charles Taylor Kerchner

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Stuart C. Smith
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ERIC Clearinghouse on Educational Management
University of Oregon
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PREFACE

The ERIC Clearinghouse on Educational Management is pleased to add this book to the School Management Digest Series. The goal of the series is to provide concise, readable analyses of both research evidence and practical wisdom on important issues facing today's school leaders. Each Digest points up practical implications of major research findings so that its readers might better grasp and apply kowledge useful for the operation of the schools.

In this Digest, Stuart C. Smith, Diana Ball, and Demetri Liontos address an issue critical to the eventual success of nationwide school reform and restructuring efforts: the building of mutual respect, trust, and cooperation in labor-management relations. Attempts by reformers to create a professional work environment in schools, where teachers and administrators collaborate on school improvement, could be undermined by disharmony at the bargaining table. There is a close relationship, Smith and his coauthors argue, between trust in the hallways and trust at the bargaining table.

Because the style of bargaining can either help or hinder teachers' and administrators' team-building efforts, this book should be read as a companion to another School Management Digest, *The Collaborative School: A Work Environment for Effective Instruction*, by Stuart C. Smith and James J. Scott, copublished in 1990 by the Clearinghouse and the National Association of Secondary School Principals. Copies of *The Collaborative School* are available from the Clearinghouse.

Smith, the Clearinghouse's director of publications, is the author of numerous publications on school management topics and is coeditor of *School Leadership: Handbook for Excellence.* Ball and Liontos are research analysts who were commissioned by the Clearinghouse. For this book, Liontos adapted some material that was published by the Oregon School Study Council in his monograph *Collaborative Bargaining in Schools: Case Studies and Recommendations* (September 1987).

Philip K. Piele
Professor and Director

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FOREWORD
TASTING THE SWEET MEAT OF COLLABORATION

Since the inception of the National Labor Relations Act in 1935, working together has been the sought-after goal of labor relations scholars and practitioners. In an effort to create labor-management cooperation within a system designed around the presumption of separate and competing interests, reformers have instituted changes in bargaining style, the topics covered, bargaining structures, and dispute resolution.

The reasons are straightforward: people get tired of fighting. On an interpersonal level, the thrill of battle associated with founding unions fades quickly once an organization is legitimated. Sometimes sham battle replaces the real thing, but the foot soldiers have trouble distinguishing mock conflict from the real thing and become difficult to control. As one negotiator put it, "Getting teachers to go out on strike is no big problem; getting them to come back is." Thus, interpersonal motives are part of the instinct for labor peacemaking, but there are political and organizational dimensions, too.

Organizations in constant conflict do not run well. Like other wars, labor-management conflict consumes resources and delays other, more productive, projects. Communications are disrupted, planning is next to impossible, and all fiscal allocations are meaningless. Substantive reform is impossible. As Paul Bell, superintendent of the Dade County Public Schools, noted recently, "This whole reform business is a lot easier if you are not at war with yourself." Moreover, prolonged organizational discord breeds political disinvestment. As has happened in many American cities, the attentive public comes to believe that schools aren't working and that they can't be made to work. The incentives for supporting the existing regime decrease and the incentives for overthrow and externally

driven reform increase. Particularly in the big central cities, schools and unions have received a powerful message to set their own house right so that they, rather than others, may reform the schools.

Labor relations collaboration is also spurred by sheer will—leadership. Labor leaders and superintendents, often together, develop a new vision of their respective roles. Sometimes they are responding to external pressure. As Albert Shanker has been quoted as saying during the New York City fiscal woes of the 1970s, "There isn't any organization that, on losing 22 percent of its budget, wouldn't sit down and ask itself if there are different ways of doing things." But more frequently, the new direction in labor relations is the result of what political commentators have, of late, called "the vision thing," a clear perception about where schools need to go and how to get there. Vision, seasoned with a dash or two of courage, produces the recipe for labor leadership.

Part of the new vision is of a new form of unionism. When teachers came to accept unionization and collective bargaining in large numbers during the 1960s and 1970s, industrial unionism was the model for worker organization. Law and labor relations practice drew from the assumptions of the factory and shop floor. Initially, part of the rhetoric about industrialism, or as educators put it, "the industrial model," was anti-unionism pure-and-simple. What is now beginning to emerge in education, and even in industry, is a vision of unionism built around different assumptions. What if employees took part of the responsibility for designing educational reform and were willing to be held accountable for fixing things when they go wrong? Some of the experiments cited in chapter 4 of this volume can be said to be fledgling steps toward that hallmark of employee professionalism—the linkage between accountability and decisional authority.

In this volume, Stuart Smith, Diana Ball, and Demetri Liontos have served up an appetizer for those interested in unions and reform, a compact volume that avoids technicalities and jargon to speak to an interested but uninitiated audience.

As appropriate, the largest part of the monograph is given over to examples from school districts. The examples are instructive because they are largely taken from smaller districts where changes in unionism and school reform have attracted less national attention. Whereas Mounds View, Minnesota, or Glenbard, Illinois, may not find themselves on the pages of *Education Week* with the same fre-

quency as Rochester and Miami, the changes may be just as significant.

A synthesis of the cases presented here provides the reader with a series of commonalities. One of these is that conflict is painful, but that attempts at collaboration do not, of themselves, make problems disappear. Much ambiguity remains, and parties devise ingenious ways to restructure negotiations to deal with them. Glenbard and a host of other school districts around the country have adopted the late Irving Goldaber's concept of win/win bargaining. Others use the Harvard Negotiations Center "Getting to Yes" idea as their touchstone (Fisher and Ury). In the California Educational Policy Trust Agreement districts, participants developed a new form of agreement that parallels but does not replace the contract. Several jurisdictions formed joint problem-solving committees. Indeed, one of the common elements appears to be structures to create joint rather than separate lists of problems and possible solutions. This aspect of collaboration was well described by Walton and McKersie (1965) two decades ago as integrative bargaining.

The school districts represented in chapter 4 also recognized the importance of a political environment that permitted and encouraged collaboration. For example, Glenbard reported a unified school board. In addition, a change in elected or appointed leadership frequently signaled that the environment was growing more or less supportive of collaboration, as was the case in Midland, Michigan.

Our authors have attempted to draw together some common lessons in the final chapter. Their list builds on the process of knowledge of practitioners they have interviewed, and analogues can be found in many other jurisdictions.

Our experience underscores two reform lessons. First, there are lavish time and process requirements. Collaboration is not just being nice; it involves changing roles and patterns of behavior and even speech. One big city negotiator told us recently, "My biggest job is to get the superintendent to modify his language. He has certain words that make the union president see red. I try to get him not to use them. The union vice-president does the same thing on his side."

Second, nothing happens until the parties want to change. Changes take place because the parties grow tired of the way things are. Frequently, as in the case of city school systems, union leaders and superintendents receive strong external messages. Still, a

personal desire to forge a new type of relationship is a virtual requirement for leadership toward collaboration.

I invite the reader to partake of the appetizer served up by Smith, Ball, and Liontos. I hope that many will move on to the main course. It's all right to eat with the fingers.

Charles T. Kerchner
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INTRODUCTION
WHAT IS COLLABORATIVE BARGAINING?

In 1962, when New York City teachers voted to strike, using the collective bargaining power granted them in 1960, educational labor relations underwent a dramatic change in attitude and strategy. Teachers' right to throw off the suffering-servant mantle of the early 1900s and speak up for themselves as deserving public employees was finally considered legitimate.

In just a few years, teacher unions were instrumental in changing the face of educational labor relations across the country. Unions sought to improve their members' working conditions and salaries, and at the same time they actively promoted professional development through publications and workshops.

Today, two main areas of labor relations capture the attention of those concerned with education: the scope and process of contract negotiations and the struggle of teaching to emerge as a full-fledged profession, with the responsibilities and rewards inherent in other professions. Because these two areas overlap, this book necessarily touches on both, although its primary focus is on the bargaining process.

Collective bargaining, its adherents claim, has moved teaching nearer to its ideal: professional status. Many teachers, administrators, and observers outside education now believe, however, that conventional collective bargaining cannot move teaching "over the final hump." The reason most frequently cited is the adversarial nature of collective bargaining, which pits teachers and school district management—groups united in the daily pursuit of education—against one another.

The high value Americans tend to place on winning has imposed

itself to a dangerous degree on the collective bargaining process. As in other arenas, collective bargaining in education has been viewed within a win/lose rather than a win/win framework. Belligerent stances common to traditional collective bargaining tend to cause both "sides" to overlook the real objectives of bargaining as well as the fact they ultimately share the same educational objectives. Until the last decade or so, it has been very difficult for adversaries in the bargaining process to imagine negotiations in which both sides win.

Traditional and Collaborative Bargaining

Since the first experiments in win/win bargaining, the acrimony generated by the adversarial process has led an increasing number of school districts to incorporate trust, problem-solving, and cooperation into their bargaining procedures. Districts have given various names to their bargaining experiments in an effort to dissociate them from adversarial bargaining; for simplicity's sake, we will use the term *collaborative bargaining*.

This term appropriately conveys the idea that both sides—the school board and the teachers—want to cooperate to achieve a satisfactory contract settlement, one that ensures fair pay, teacher input, and improvement of educational services. Typically, the collaborative style focuses on ongoing problem-solving rather than dealing with an accumulation of issues presented at the bargaining table.

Collaborative bargaining is not an alternative *to* collective bargaining, but rather is an alternative *form of* collective bargaining. Just as there are many different methods of traditional adversarial bargaining (the scope and formality vary greatly from state to state and district to district), there are many varieties of collaboration being instituted by school districts and teacher unions.

To understand collaborative bargaining, it is necessary first to understand the nature of conventional bargaining. Susan Moore Johnson (1987) provides an apt description:

> Conventional bargaining is a bilateral, adversarial process that is formalized and ritualistic, one in which parties advance proposals that are assumed to be primarily, if not exclusively, in their self-interest. Labor will press for

> higher salaries, better benefits, fewer responsibilities, and shorter work hours. Management will ignore calls for raises, dismiss the case for increased benefits, propose longer work hours, and hold out for greater productivity. Once a set of demands is on the table, the parties barter their way to a settlement, typically splitting the difference between extreme positions. No one has to participate in formal negotiations to recognize the process: it is one that we learn as children seeking to avoid an early bedtime, as travelers buying goods in the market-place. It is a process in which secrecy, dissembling, bullying, and doggedness pay off.

Whereas conventional processes encourage confrontation, collaborative procedures emphasize cooperation. As a National School Boards Association report (1988) describing some of these alternative methods states, "Typically, teachers and school officials sit on the same side of the table and try to identify common approaches to problems without bringing their adversarial baggage into the room." To prevent adversarial positioning, the parties use such methods as hiring consultants to facilitate communication, delegating issues to subcommittees, meeting monthly to avoid a buildup of issues, and coming to the table with issues to discuss and resolve rather than with a set of demands.

Although the boundary between conventional and collaborative methods may seem clearly defined, it actually isn't. Collaborative procedures, such as those described above, are often tacked onto the traditional bargaining process in an attempt to move beyond its constraints. But the collaborative procedures do not necessarily replace that process. As Johnson observes, the cooperative arrangements

> are successful in spite of, rather than because of, the bargaining process. Collective bargaining provides the shell of political legitimacy and legal obligation, which the parties may outgrow and venture beyond, retreating if necessary to its protections and procedures.

In some cases the parties have agreed in advance that if the collaborative process breaks down, they will return to conventional bargaining.

In sum, it is best to view collective bargaining as including a continuum of procedures ranging from adversarial to collaborative. As the examples in this book demonstrate, school districts and teacher unions have devised many different collaborative strategies that modify, in varying degrees, the conventional process.

Districts that have used some form of collaborative bargaining report increased cooperation, greater mutual respect between teachers and administrators, and closer team involvement in the process of educating children. These benefits are inherent to the collaborative process. Some districts, particularly those in big cities, are finding, however, that collaboration is not only a worthwhile end in itself, but an extraordinarily effective means to achieve a higher end: school reform. The district and union leaders in these cities are using collaborative bargaining as a vehicle to initiate school-based management, mentor teacher programs, performance accountability mechanisms, and other reforms.

The Purposes of This Book

Much of this book's content is devoted to descriptions of some of these ongoing experiments in collaborative bargaining. These descriptions give the book a decidedly practical rather than a theoretical emphasis and signal its twin purposes: to explain how collaborative procedures actually work in districts that are using them now and to offer some guidelines to districts that would like to adopt a collaborative process.

The descriptions are based on journal and newspaper articles, reports and other published documents obtained through a search of the ERIC database, and telephone interviews and correspondence with personnel in districts using collaborative bargaining. From these sources we gleaned insights into the most effective procedures for conducting collaborative bargaining. We also learned how to avoid pitfalls that may threaten collaborative bargaining efforts.

We intend the book to be of use to a wide audience, including both those who have a direct role in the labor relations process (school board members, school district officials, and teacher union representatives) and those who have an interest in its outcomes (school leaders, teachers, and members of the public).

Chapter 1 is an overview of teacher union achievement, the pros and cons of union membership, the professional image of teachers, and the role of unions in school reform.

Chapter 2 examines collective bargaining as it has traditionally

been implemented in industry and education and lists reasons that collective bargaining is undergoing varying amounts of restructuring today.

Whether the collaborative style can compete with traditional adversarial bargaining as a method of securing higher salaries and benefits for teachers is the issue addressed in chapter 3. The effect of collaborative bargaining on teacher salaries is explored through a survey of several school districts and teacher unions.

In chapter 4, specific district models are presented in detail to show how districts have adapted collaborative bargaining processes to their specific situations, what the drawbacks have been, and what modifications they are currently making. Some of the benefits and common elements of these models are then summarized.

Finally, chapter 5 offers twenty-four guidelines to consider before, during, and after collaborative bargaining.

Then, in the Appendix, we give four key national organizations an opportunity to speak on this topic. We solicited statements from the American Association of School Administrators, the American Federation of Teachers, the National Education Association, and the National School Boards Association. The statements explain the positions these four organizations take on new methods of collective bargaining and also respond to the content of this book.

CHAPTER 1
THE STATE OF THE UNIONS

Nearly 90 percent of the 2.2 million public school teachers in the U.S. today belong to the National Education Association (NEA), the fast-growing American Federation of Teachers (AFT), or a handful of independent unions. Teaching is now one of the most thoroughly unionized white-collar occupations in this society.

The comparison is striking: whereas nine out of ten teachers are union members, fewer than one sixth (16.8 percent) of all U.S. employees belong to unions. And while teacher unions have been gaining members, overall union membership in the U.S. work force has been plummeting since the mid-1950s, when one worker in three was a union member.

In this chapter, we examine why union membership is attractive to teachers, evaluate the role of teacher unions in education reform, and note unions' emerging openness to collaborative approaches to bargaining.

Why Teachers Belong to Unions

Heading the list of reasons why teachers participate in unions is the triumvirate of wages, hours, and working conditions. Thirty-three states have laws requiring or permitting school districts to recognize and bargain with legally constituted unions. In another ten states, collective bargaining occurs on a de facto basis. Only seven states prohibit the process. Thus, collective bargaining is the most-used method of tackling the thorny issues of wages, hours, and working conditions.

One reason for the popularity of this traditional adversarial

approach to bargaining is that most of the time it seems to work. In fact, almost all public employee labor disputes are settled using the conventional labor-versus-management scenario. In Oregon, for example, since labor statutes governing public employees went into effect seventeen years ago, state mediators have been summoned to work on nearly five thousand disputes. They have helped settle 84 percent of these at the mediation stage. Many were settled in fact-finding. Only twenty-six cases ultimately resulted in strikes—almost half of these in the public school system.

Benefits for Members

Unions have generated many positive changes over the decades since teaching was unionized. Beyond representation of teachers at the bargaining table, where paychecks and the extent of some duties are determined, union membership provides teachers a process for dealing with grievances, medical and retirement packages, a sense of comradeship with peers, and even cut-rate tours and excursions.

In certain instances, teachers must belong to a union in order to work in their district's public school system. For some of them, compelled to join a union that they may not have opted for if given a choice, reliance on the union at contract negotiation time eases the pain of paying union dues.

Advancing the Professionalization of Teaching

Union membership is seen by some as a means of enhancing the status of the teaching profession. For teachers seeking a professional identity, unions may provide increased input in educational decisions and confer professional status.

Charles Kerchner, coauthor with Douglas Mitchell of *The Changing Idea of a Teachers' Union* (1988), believes that unions (particularly those such as the NEA and AFT with resources, status, and solidarity) can advance employee professionalism by encouraging discussion of professional issues. "For teachers," Kerchner (1986) writes, "this means allowing a very broad scope of topics and issues into the negotiating process, and finding a form of agreement that enables teacher unions and school districts to effectively address tough educational policy questions such as program quality, produc-

tivity and teacher work roles."

Kerchner is in favor of remodeling teacher unions to advance teacher professionalism. In his view, labor relations systems need to recognize that employed professionals have three fundamental and legitimate interests in controlling their workplaces—interests that can be enhanced by strong worker organizations:

1. Teachers as professionals have a vital and legitimate role in protecting the institution of public education. In order for the public to support schools and to grant them freedom to develop, the public needs to believe that schools are productive, effective organizations in which teacher organizations use their special position to benefit students and the community. This requires high standards for teachers and conspicuous self-regulation. Professional autonomy requires a societal belief that the occupation can clean its own house and set standards of good practice.
2. Professional teaching requires intense personal engagement. A disproportionate execution of techniques, no matter how good they are, will not produce good teaching. The complex knowledge involved in teaching requires on-the-spot responses to changing conditions and deep concentration on the act of teaching. Teachers are encouraged to be deeply engaged in their teaching when their schools rely on strong organizational cultures rather than a web of bureaucratic rules. Labor relations support professional, engaged teaching when managers and unionized teachers focus on educational procedures and rules.
3. Professional teachers are concerned with the nature of their work as well as the conditions under which it is performed. This concern inevitably involves making or interpreting school policy. One of the ironies of industrial unionism as practiced in the public sector is that just as employees become legitimated to represent their own interests through unionization and collective bargaining, they are separated, at least in the public psychology, from the ability to speak for the public good by virtue of their association with unions. The doggerel, "Boards deliberate, unions grieve, and teachers teach," represents the erroneous view that authority can be neatly divided. Professional work is inherently a broad range of duties, decisions and global responsibility. Unionism can respond to these needs by finding ways to discuss and agree on the substance of teaching.

As a way of putting these principles into practice, Kerchner and Mitchell (1988) propose an innovation that they label *Educational Policy Trust Agreements*. According to these authors, policy trust agreements can make teacher unions more responsive to teachers' needs while

improving levels of teacher involvement, communication, and the overall quality of education. For a description of policy trust agreements and examples of their implementation to date, see chapter 4.

Teacher Unions and Education Reform

It would be unfair to say that teacher unions have focused only on bread-and-butter issues—higher salaries, better benefits, and lighter workloads—to the exclusion of substantive matters. Even in the early years of educator collective bargaining, unions sought to advance the profession and to influence curriculum and policy (Susan Moore Johnson, Niall C.W. Nelson, and Jacqueline Potter 1985). In many districts, collective bargaining has become a forum for teachers to negotiate with management such policy issues as "class size, the composition of instructional committees, the format of in-service training, procedures for teacher evaluation, and the assignment of staff" (Susan Moore Johnson 1987).

To a certain extent, then, teacher unions have always been advocates of school change. As Johnson states, "Even before public attention focused on governors, blue-ribbon panels, and state legislators, important educational reforms were emerging from collective bargaining." As examples, she points to contract language establishing school-site management in Monroe County, Florida, schools; a negotiated peer review plan that replaced a conventional teacher evaluation program in Toledo, Ohio; contract changes that gave principals increased discretion over transfer assignments into their buildings in Boston; and contract language that promoted school-site reform in Hammond, Indiana.

Similar, more recent contracts, all involving AFT affiliates, have given teachers a greater voice in administering schools in Dade County, Florida; Rochester, New York; Albuquerque, New Mexico; Pittsburgh; and Boston.

Preconditions for Bargaining on Reforms

Can collective bargaining serve, then, as a vehicle for school

reform? Yes, but only when certain conditions are met. Lorraine M. McDonnell and Anthony Pascal (1988), who analyzed teacher contracts in 151 school districts and interviewed union leaders and school administrators in 15 other districts that have contracts, report that several factors determine whether the collective bargaining process can be used to implement reforms leading to teacher professionalism. Union and district leaders must first perceive a mutual interest in the reform, and they must have been able to successfully implement contracts in the past. But most significant is the union leaders' ability to satisfy members' convictions that bread-and-butter items should be the highest priority.

"Rank-and-file teachers," McDonnell and Pascal say, "view many reform initiatives with skepticism and see union professionalism initiatives as diverting them from the pursuit of traditional bread-and-butter items." So strong is union members' desire for higher salaries, improved fringe benefits, and smaller class sizes, say the researchers, that union leaders in most cases must attain success in bargaining for "these basic items before they can move on to questions of professional autonomy and full participation." Leaders' failure to vigorously pursue what teachers deem as priorities can lead to their removal from office.

These "enabling conditions," as McDonnell and Pascal call them, suggest that before a union can collaborate with management, it must be perceived as strong—by both members and district officials. This point is underscored by Gary Watts and Robert McClure (1990) of the NEA's National Center for Innovation in Education:

> In all the school districts in which NEA affiliates are working collaboratively with boards and administrators to redesign schools, there exists a strong bargaining tradition and, if not trust, mutual respect between the administration and the union. This respect has often been achieved the hard way, through strikes or other union/management confrontations. Yet the result has been an increasing maturity on both sides.

Of course, collaboration requires strength on the management side, too. As Watts and McClure put it, "You can't develop a collaborative working relationship between a strong union and a weak administration any more than between a strong administration and a weak union." It is not an exaggeration to say that collaboration on school reform is a test of the union and district leaders' strength

of character. They must be secure individuals willing to take risks and invent new rules.

The Process of Bargaining on Reforms

When collective bargaining is used to reach agreement on educational reforms, the question arises whether the process of bargaining itself must change. The 1986 Carnegie Forum on Education and the Economy report suggested this when it stated that "the confrontational stance that frequently characterizes the relationship between school boards and unions could doom" the report's recommendations. Thus the need to implement reforms at the school district level draws our attention back to some of the deficiencies of the traditional process of collective bargaining and underscores the benefits of the collaborative style.

Johnson reports that the process by which the local districts she cites achieved their reforms "has not typically been that of conventional, bilateral bargaining. Rather, participants tell of efforts to create opportunities for mutual gain, to promote problem solving, and to encourage compromise." To show how negotiation of a policy requires different assumptions and procedures than formal, adversarial bargaining, she gives the following example:

> If a school district is to draw up a plan for peer evaluation among staff, both teachers and administrators must believe that it is worthwhile and that it could work. A successful policy will not be the product of successive demands and concessions, but rather will gradually emerge from a careful, collaborative exploration of needs, purposes, and alternatives. Such talks will undoubtedly include negotiation, but it is negotiation of a different sort than that practiced in standard bargaining.

Of course, if such negotiation is to work, it is essential for management to recognize that teachers have a legitimate, constructive role to play in policy-making. "If management does not regard teachers as legitimate participants in school reform," Johnson notes, "bargaining will undoubtedly continue to be played as an adversarial game of demands and concessions."

In sum, it is apparent that the reform movement and the effort to adopt a more collaborative style of bargaining go hand in hand. The desire to respond to public concerns, involve teachers in decision-making, and restructure the ways schools are run is one reason both

unions and management are exploring alternative methods of bargaining. Nowhere is the marriage of collaboration and reform more evident than in the big-city school systems described in chapter 4.

Openness to Collaborative Bargaining

Although the AFT and NEA have declared they will fight efforts to undermine collective bargaining, they have clearly indicated a willingness to expand the definition of collective bargaining to include collaborative processes. Accordingly, a growing number of affiliates are entering into precedent-setting collaborative agreements with school districts.

In big cities like Boston, Pittsburgh, Cincinnati, Minneapolis, Miami, and Albuquerque, AFT affiliates are leading the way. NEA affiliates have been parties to collaborative agreements in Midland, Michigan; Pinellas County, Florida; Louisville, Kentucky; San Diego, California; Sacramento (San Juan Unified), California; and several other smaller districts.

In twelve California districts, AFT and NEA affiliates have joined with the Association of California School Administrators and the California School Boards Association to create individually tailored policy trust agreements. These experimental agreements may portend a new future for educational labor relations. Additional examples of unions' willingness to experiment with alternative collective bargaining methods are provided in chapter 4.

Because a change in the nature of bargaining obviously requires the consent of both parties, it is significant that the American Association of School Administrators (AASA) and the National School Boards Association (NSBA) have made it clear that they approve of efforts to institute collaborative processes. In 1989, AASA adopted a resolution encouraging "efforts to develop new and innovative approaches to collective bargaining which are designed to minimize confrontation and to maximize recognition of the professional nature of education."

In a 1988 report, NSBA encouraged school board members and others with an interest in the schools to examine, evaluate, and implement "collaborative partnerships that enhance communica-

tions within school districts and improve educational operations." Among the new structures highlighted in the report are improved advisory communications, teacher recognition and professional development devices, alternative negotiating techniques, and decentralized decision-making.

The next chapter takes a closer look at the industrial model of collective bargaining. In particular, it examines the negative effects of adversarial bargaining methods that have prompted teacher unions and school districts to seek alternatives.

CHAPTER 2
WHAT'S WRONG WITH COLLECTIVE BARGAINING TODAY?

In a tug of war—after a period of struggling back and forth—one side pulls the other over the line. As in all competitive endeavors, one side wins, the other loses. In conventional collective bargaining, part of the problem is that "the players" often see themselves as members of opposing teams engaged in a win-lose match. And when opposing teams meet, it is not unusual for each of them to incur some damage.

In adversarial negotiations, collegiality, beliefs about one's profession, and even self-respect are sometimes severely damaged. Given the rules of the game, however, this is not too surprising. Some observers and even some of the players now believe it is not the rules that may need to be changed but, rather, the game itself.

An Outdated Model?

There is little doubt that collective bargaining has brought increased benefits to millions of workers in the Western world. Working conditions have generally improved, salaries have increased, and grievances have been accorded a due process. But a high price had to be paid to achieve these gains. After decades of strong union activity and often bitter labor-management conflicts in American industry, in the 1980s management and labor began to question the wisdom of adversarial labor relations.

Laborers in industries that embraced powerful unions decades ago now recognize that unless management and labor work together, international competition will bring an end to the need for management *and* labor. Where unionism continues to exist, changes are

being made in the labor relations system.

H. Ross Perot, founder of Electronic Data Systems, urged American laborers to form teams *with* management. We can succeed, he believes, "if we eliminate the adversarial relationship between management and labor and form a united team" (1988).

Application to Education

Education adopted the industrial model of unionization at the height of union strength and popularity with little adaptation specific to teaching. In education, collective bargaining has earned many of the same benefits for teachers that it did for industrial workers. Synthesizing the findings of four major field studies, Susan Moore Johnson (1987) says,

> Collective bargaining has been found to have improved many of the conditions of teaching and provided protection from administrative abuse and political patronage that were common before negotiations were required. It has improved pupil-teacher ratios, established teacher representation on industrial committees, and expanded the process of teacher evaluation.

But in education, as in industry, people are questioning whether the adversarial model of unionization is the best way to conduct union-management relations. As Superintendent Dea Cox of Oregon's West Linn School District told Demetri Liontos (1987):

> What we've done is to build the school system to reflect an industrial model. Then just at the time society was moving out of this model, we in the schools laid in the very essence of labor-management relations in terms of an industrial model. The schools always reflect society. As long as we were an industrial society that's what the schools reflected. It's ironic that we finally developed an incredible school system to serve an industrial model as the industrial society moves out!

For Cox, who spent a year studying labor relations at Harvard University, the problem goes beyond labor-management interaction; it is a question of relationships throughout the entire school. In any organization with complex, interwoven relationships, there are bound to be conflicts. Given the model that schools are currently based on, these conflicts are often conceptualized in terms of "us" and "them." This mindset fosters a competitive rather than cooperative spirit in resolving differences. A win-lose situation occurs. It is when

such conflicts are codified into proposals and reach the bargaining table that the adversarial system is put to the test.

In *Collective Gaining: An Alternative to Conventional Bargaining* (1983), Richard Wynn contends that conventional bargaining often promotes irrational or unethical behavior—such as lying, hypocrisy, secrecy, and threats—in attempts to gain power at the expense of reason. "These behaviors," says Wynn, "tend to permeate the organizational climate and sow the seeds of anti-intellectualism, a singular tragedy in educational institutions, which should be bastions of intellectual life." These kinds of anti-intellectual behaviors in the framework of an industrial-union model can shift the focus for teachers as they attempt to negotiate agreements.

Douglas Mitchell (1986b), director of policy support services for the Far West Laboratory for Educational Research and Development, believes that this "very effective but limited" model forces teachers "to concentrate on limiting teacher work obligations and strengthening their job security through a system of work rules—rules that gradually reduce flexibility and deny teachers ultimate responsibility and decision making authority." The perception that teachers have of themselves is, therefore, an important factor in how they will proceed through the collective bargaining process.

Workers or Professionals? An Image Problem

The self-image of teachers—whether they view themselves as blue collar workers or professionals—may play a part in their preference for or dislike of adversarial bargaining styles. Those who see themselves as professionals working on a team with administrators may be more prepared to engage in collaborative forms of bargaining, while those who view themselves as blue collar workers are more likely to support union officials entering the negotiations arena on their behalf. They see union negotiators as experts responsible for getting what can be gotten from the district in salaries and benefits. Such teachers may feel that they already expend more time and energy in teaching and related activities than they get paid for. They pay union membership dues and expect something in return.

The Practical Problems of Confrontation

In addition to the ethical and philosophical issues that are raised about adversarial bargaining, there are a number of practical concerns. Listed below are some of the practical reasons many school districts are looking for more positive ways to negotiate contracts.

1. **Adversarial bargaining usually requires a "winner" and a "loser."** The resulting attitudes lead to disharmony that can continue and intensify from one contract period to the next, making day-to-day working conditions unpleasant and unproductive. As any coach knows, a team spirit cannot flourish when the players have unsettled animosity toward one another or the coach.

2. **Opposition is necessary in adversarial bargaining.** As Grand Blanc, Michigan, public school teacher Carol Applegate (1984) notes: "The adversarial relationship has to be established in the collective bargaining process. There have to be problems that the union addresses, otherwise the union has no reason for existing." Opposing positions are retained long into the bargaining process, often becoming more rigid, regardless of the perceived problem. Information that supports one side's position is the only information likely to be shared.

3. **Adversarial bargaining is not a problem-solving forum.** Seldom is a joint search for alternative solutions seen. Participants enter bargaining sessions as adversaries. The goal of each side is victory.

4. **Unimportant demands are often brought to the table.** These are carried into bargaining sessions to be strategically abandoned to give the impression of cooperation. They cloud the real issues and invite duplicity.

5. **Bottom lines and best offers are concealed through much of the battle.** Hidden agendas, applications of pressure, and threats are accepted practices or even "steps" gone through systematically before bottom lines can be presented.

6. **Adversarial bargaining impedes the flow of information to members, the press, and the public.** It invites rumor and suspicion and has contributed to the erosion of public support for and confidence in school systems.

7. **Contract negotiations tend to grind to a halt over "terms and conditions" and theoretical strategies for worst-case scenarios,** rather than limiting negotiation topics to actual, agreed-upon districtwide problems that need joint solutions.

Granted, these problems are not the inevitable result of every episode of conventional bargaining, which does work smoothly much of the time. Rather, the above list represents tendencies that are encouraged by the adversarial process. When conventional bargaining does work well, it is usually because the parties manifest sufficient good will and cooperation to overcome these destructive tendencies.

Summary

Labor relations are undergoing changes throughout the private and public sectors, and education is no exception. A profession such as teaching, with so many nonlabor aspects, needs individualized and responsive negotiation methods that promote communication between school boards and teacher unions. Adversarial collective bargaining is seen by some as a divisive force at a time when teamwork is sorely needed.

Some educators now believe that the industrial model of collective bargaining—with its posturing, demands, and shortsightedness—cannot achieve the goals of teacher unions, school boards, or the public.

For these reasons, a growing number of school districts, some of which have suffered the effects of bitter confrontations and strikes, are seeking new ways to conduct collective bargaining. When the adversarial approach doesn't work, confrontive dialogue used in the process can damage, often irreparably, the close relationships so vital to the educational process. This is especially true in disputes of long duration and those culminating in strikes.

CHAPTER 3
DOES ADVERSARIAL BARGAINING PRODUCE HIGHER SALARIES?

Judging by the high priority teachers place on bread-and-butter issues (McDonnell and Pascal 1988), the long-term fate of collaborative bargaining is likely to depend on whether it can compete with conventional bargaining as a means of securing favorable salaries, benefits, and working conditions. If the union and district invest heavily in trust and cooperation, will teachers feel that they are not getting as good a package as they could get by threatening to strike? Already in some districts that have begun to negotiate with collaborative methods, teachers have faulted their unions' leaders for becoming cozy with management; it is clear that teachers will go only so far in trading material rewards for harmony.

Before addressing the issue of how the collaborative and conventional processes compare on this matter, it is useful to review some research findings on the effects of collective bargaining as a whole on teacher salaries.

General Influence of Collective Bargaining

Following the rapid spread of teacher unionism in the 1960s, numerous studies attempted to measure the effect of unionism on teachers' salaries. For example, P.J. Atherton (1983) sought to determine the impact of collective bargaining on the cost of education in the province of Ontario, which mandated collective bargaining for teachers in 1975. He found that teachers' salary gains were commensurate with those of the Ontario work force as a whole, suggesting

that collective bargaining only prevented deterioration in the relative level of salaries.

In contrast, William H. Baugh and Joe A. Stone (1979) found that teacher salaries in 1977 rose between 12 and 21 percent more in districts that use collective bargaining than in those that use some other method of determining salaries.

Conflicting findings such as these have stimulated other researchers to conduct comparative reviews of the research literature. In one review, Bruce Cooper (1982) found that

> bargaining only raises pay slightly .... In spite of the difficulty of separating the general upward drift of salaries for teachers (which had so long been depressed) from the impact of unionization, what does seem obvious is that bargaining has *not* led to the enormous increases in pay that were predicted.

Citing results of studies dealing with the effects of unionization on teacher salaries, Cooper concluded:

> Research suggests that the influence of collective bargaining in education increases teacher salaries from about 5 to 9 percent higher than they would be otherwise .... There is some indication that wages in school districts without union activity have increased at a comparable rate to wages in bargaining districts.

A similar union-wage effect (in the range of 5 to 10 percent) was reported by David Lipsky (1982) in a review of about forty studies.

How do these effects of teacher unions compare to those of private-sector unions? Charles Kerchner (1986b) places teacher unions at the lower end of the scale of private-sector unions, where he says that wage effects on the order of 10 to 25 percent are commonly found.

Although unionization has not moved teaching from its historic place at the bottom of the college-educated work force, Kerchner says it may well have kept teachers from getting poorer. A wage effect of 5-10 percent "is not the stuff of which Porsches are purchased," but "it does represent an annual salary increment of $750 to $2,500 for most teachers, a very handsome return on union dues."

The findings of these representative studies and reviews indicate that collective bargaining *has* served to increase teachers' salaries, but the size of the increase may not be as great as many people believe. Whether the increase would have been the same had unions and school management used predominantly collaborative as opposed to adversarial bargaining is, of course, impossible to judge. Perhaps in the early stages of bargaining, when teacher unions were struggling

to attain legitimacy, confrontation was inevitable and necessary. But now that collective bargaining has been institutionalized (in the thirty-three states that permit or require it), would the shift to a more collaborative style of bargaining erode the gains teachers have made?

The Effect of Collaborative Bargaining: A Survey of Districts

To explore the effect of collaborative bargaining on teacher salaries, we surveyed a small national sample of school districts and local teacher unions that are using collaborative approaches. Our one-page survey form asked respondents to estimate (on a five-point scale) whether the rate of teacher salary increases has been higher or lower than it would have been if the parties had been using adversarial bargaining. The survey also sought answers to several other questions concerning the effect of collaborative bargaining on each district's total costs and financial support by the community.

Surveys were mailed to the superintendents and teacher union leaders of thirteen school districts in ten states. Ten superintendents or other district officials and four teacher union leaders responded. The ten districts represented in the sample have been using some form of collaborative bargaining for an average of nine years.

Teacher Salaries and Total District Costs

In regard to teacher salaries, seven district officials and two union leaders estimated that their rates of salary increases have been about the same as they would have been with adversarial bargaining. One district official and one union leader estimated that salaries in their districts have increased at a slightly higher rate with the collaborative method, whereas two other district officials and one other union leader indicated that the rates of increases in their districts have been slightly lower.

These results suggest that the effects of the traditional and the collaborative methods of bargaining on teacher salaries are not discernably different. Of course, no definitive conclusions can be drawn from findings based on a very small sample that asks participants in one method of bargaining to make a hypothetical comparison with results that might have been obtained under a different method.

When asked to assess the effects of their bargaining methods on total district costs, the respondents' replies closely mirrored those reported for teacher's salaries. Five of ten district officials and three of four union leaders estimated that their school districts' total costs are about the same as they would have been had the district been bargaining adversarially. Two district officials said their total costs were slightly higher. One district official and one union leader said the districts' costs were slightly lower, and two other district officials said their costs were significantly lower because of their collaborative processes.

Again, no significant difference between the two bargaining methods was found. This was not the case, however, when the survey turned respondents' attention to the effect of their bargaining method on the community's financial support for the schools.

Support for Schools

Often overlooked in the debate over the relative effectiveness and benefits of adversarial and collaborative bargaining methods is their effect on public opinion. How effective is confrontation in securing higher salaries if rancor, picketing, and strikes alienate members of the community, who vote no at the next school budget election? To help answer this question, we asked the respondents to estimate whether collaborative bargaining has made it harder or easier to obtain the community's support at budget elections. Both school district officials and teacher union leaders responded unanimously: obtaining the community's support is easier with collaborative bargaining. As one superintendent commented, "The positive approach makes both parties look better in the eyes of community members—our staff morale is also much higher."

We also asked the respondents to estimate the financial impact of that support. Of the six district officials who responded to this question, two said their current level of financial support is 1-2 percent higher than it would be if they still negotiated contracts adversarially. One official estimated that community support for his district is 3-5 percent higher; two officials said 6-10 percent higher; and one official said 11 or more percent higher. The only union leader who responded to this question estimated that the community's financial support for the district was 1-2 percent higher with the collaborative approach.

On balance, collaborative bargaining is no better or no worse than adversarial bargaining as a means of securing higher teacher salaries, judging by the perceptions of our small sample, but it is clearly superior in generating community support for the schools. Especially in the present era of tight funding for education, this difference between the two bargaining processes takes on significance for everyone associated with the public schools. Trust and cooperation between teachers and school district officials, demonstrated publicly in the manner in which salaries and other issues are negotiated, may build a reservoir of good will toward the schools—good will that translates into more generous public financial support. Whereas twenty-five years ago teachers appeared to benefit from confrontation, perhaps now economic advantage—both on a personal level and a district level—lies in a strategy of collaboration and team-building.

CHAPTER 4
EXAMPLES OF COLLABORATIVE BARGAINING

Several of the roughly 15,000 school districts across the country are trying alternative methods of bargaining. The variability in factors exerting an influence on individual districts makes comparison of these alternative methods difficult. State laws, union positions, district sizes and income levels, tradition, and personalities all play a part in the extent to which districts have integrated collaborative methods into their bargaining procedures.

Moreover, there are many forms of alternative labor relations practices and bargaining processes to which many different names have been attached. Whatever labels are used, all are attempts to accomplish four main goals: improvement of education, increased professionalism and teacher empowerment, smoother contract negotiation sessions, and improved labor/management and better community/school relations.

Some school districts and unions completely change their bargaining process, whereas others merely alter their traditional process by incorporating more constructive conflict resolution methods. This latter approach is more an attitudinal change than a structural one. In still other districts, negotiations have matured to the point that introducing policy trust agreements or other changes is a logical next step. In this chapter, some of the many alternative bargaining efforts now underway are examined.

Glenbard Chooses Win/Win Bargaining

In Glenbard Township High School District, Illinois, last-minute

teacher contracts had become the norm by the early 1980s, according to Marguerite Cox, director of instruction. In the *American School Board Journal*, Cox and Robert C. Stevens (1988) wrote about their school district's positive experience with win/win bargaining, a negotiating style popularized by the late Irving Goldaber.

Glenbard established a steering committee of school board and union representatives to research the win/win negotiating system and draw up a list of benefits and drawbacks. Among the advantages of win/win bargaining that the committee found were contract settlements with slightly higher teacher salaries (approximately 1/2 of 1 percent higher), increased union cooperation with school boards, and improved teacher morale.

In February 1987, the steering committee outlined a negotiation schedule. It was to begin in April with an all-day session at which both sides would put contract issues on the bargaining table. This was to be the only opportunity to raise contract issues. In the following five weeks, the committee would meet in the evenings to draw up a contract to be adopted during a final all-day closing session in May. Glenbard chose to hire a consultant who led two fifteen-member negotiating teams through mock bargaining sessions in the weeks prior to negotiations. An informal dinner, where participants exchanged one-page profiles and got to know one another, kicked off Glenbard's new bargaining method.

Once issues were on the table, a committee of board and union leaders met in a followup session to divide the issues into two categories: issues to be negotiated formally (such as salaries) and issues to be resolved through less formal talks between board and union members. Subcommittees, formed to focus on specific issues, met two evenings per week. On the final session day, teacher salaries were still being negotiated and the session stretched to sixteen tension-filled hours before the contract was signed. The Glenbard attempt at win/win bargaining was termed a success: A contract had been signed three months before the old one expired, and the district enjoyed improved teacher morale and board/union cooperation in 1988.

We asked Cox to comment on the advantages and disadvantages of the win/win bargaining method. On the positive side, she said that decisions receive a lot of input; confrontational attitudes are harder to maintain because teachers, administrators, and board members get to know each other; and morale at Glenbard schools is at an all-time

high. She believes teachers' salaries are about 1 percent higher in the district than they would be without collaborative bargaining.

One of the disadvantages is that the process is very time intensive for the thirty teachers and administrators involved. Also, Cox said, "The ongoing committee structure, from an administration standpoint, is a disadvantage in that it takes so long for items to go from the table into committee and back again."

Cox offered a few words of warning to districts considering win/win bargaining: "It becomes crucial for teacher negotiators to be respected as excellent teachers by the board and the administration. If not, it could become a very bad situation." Cox also stressed that it is "important for both the board and teacher negotiators to understand the process well and be very committed. In our first try, it *seemed* to be working just as it should have been, but too many crucial money problems were left to the last day. We came very close to failing that last day and returning to conventional bargaining." She adds that she would not encourage any district with a factious board to attempt win/win bargaining.

Warwick Valley Forms Joint Committees

When hostile contract negotiations between third-party union and school board negotiators dragged on for more than sixteen months in Warwick Valley Central School District, New York, district leaders decided it was time for a change. In a 1986 article, William DeGennaro, the district's recently retired superintendent, and Kay Michelfeld, president of the school board, say the district "developed a process that encourages frank discussion and debate and discourages confrontation and posturing."

A year before the hard-fought contract expired in 1984, board members and union leaders met with the new superintendent to discuss how they could avoid a repetition of hostility. Their attention landed on the only successful feature of the previous contract negotiations: a joint committee that had researched and made a recommendation on stipends for staff who perform cocurricular activities. The joint committee process had worked so smoothly that the district decided to negotiate the entire new contract on the basis of

recommendations from joint committees.

Tagged a "good faith experiment," the new process included an agenda committee (comprising the school board president, another board member, the president and vice president of the teacher union, and the superintendent), which established the timetable and some basic guidelines. The agenda committee, DeGennaro and Michelfeld say, was also charged with reviewing and, if necessary, discarding negotiations items, under the agreement that a few small committees would concentrate on a few genuinely important issues. Limiting the agenda was credited with making the new process work by helping board members and teachers define priorities. Ten items, including teacher salary, were the maximum number that could be introduced.

Once the agenda was set, four committees each containing two or three teachers and at least one board member went to work. Joint committees reported back to the agenda committee, which strove to include at least portions of each committee's recommendations in the contract, written up at the table by the board attorney. The three-year contract, ratified overwhelmingly by union and board, was put together in a timely manner without confrontation and disruption of the educational process, claim the authors.

Committee members credited the establishment of a high level of trust between Warwick Valley teachers and board members for the success of their contract negotiations. In retrospect, DeGennaro and Michelfeld say, fewer committees might have worked to their advantage, requiring less time from board members and administrators. But more positive and constructive negotiations made the time-consuming joint committee process worthwhile.

Both union and administration members believe that discussing the *whys* of contract provisions and *how* they were related to school policy and direction—instead of simply putting forth demands and fighting for them— encouraged cooperation. Listening was necessarily enhanced in the joint committee process, whereas more effort had been spent blocking out the reasons behind demands and rebuttals when Warwick Valley schools used traditional collective bargaining.

Mounds View Gets to 'Yes'

A bitter labor dispute in 1983 left teachers in Mounds View,

Minnesota, working for almost a year without a contract. The experience convinced district and union officials that a better method had to be found. In 1985, representatives of the teacher union and the school board went on weekend retreats with a consultant to learn nonconfrontational bargaining. Those involved relied heavily on Roger Fisher and William Ury's (1981) book *Getting to Yes: Negotiating Agreement Without Giving In*. Burton Nygren (1988), superintendent of the approximately 11,000-student Mounds View Public Schools, says: "We began to understand that even when points of view are very different, you can get to 'yes'. We were tiptoeing into a revolutionary concept based on problem-solving, not power."

Mounds View created a Professional Council consisting of four teachers and four administrators to discuss, study, and resolve professional concerns. Professional Council members are paid roughly the same wages as head coaches of major sports—a move intended by the administration and teacher union to signal that Professional Council work is highly valued. Decisions of the Professional Council can be vetoed only by the superintendent or the executive board of the teacher association. As of 1988, the veto had been used only once, by the superintendent, on a matter he believed should be taken to the bargaining table instead of resolved in Professional Council.

After two years of operation, Mounds View evaluated the Professional Council and made some recommendations: Add one more teacher and one more principal, increasing the council members to ten; increase communications from the council to teachers and administrators, particularly as solutions to problems are being formulated; clarify the pathway to the Professional Council agenda; and decide earlier whether issues should be handled as school board policy or bargaining topics rather than Professional Council items. Concerns were also expressed that the Professional Council process was too slow and that it solved too few problems.

Although the Professional Council is considered a success, Nygren says that it should not be thought of as a "quick-fix." It is difficult and time-consuming, he says; however, he believes that when "teachers control their professional destinies, they are empowered to produce some remarkable results." In 1987, Mounds View negotiated its second two-year contract in a nonconfrontational manner and began to experiment with shared decision-making at the building level.

When we interviewed Nygren, Mounds View's Professional Council

was being reviewed again to deal with some shortcomings. For one thing, he said, the district continues to have difficulty defining "professional issues." "Where I had hoped it would facilitate and move issues along," says Nygren, "it has proved slow. We may need to get rather specific in contract language in order to liberate them to get on with what they have the power to do now. People on the council don't necessarily have the constituency. It's very difficult to communicate." He offers this suggestion: set up very specific communication strategies. Also, he says, expanding the number of people involved would increase communications and provide a better shot at constituency representation.

Another problem at Mounds View is the payment for council members. "There's a lot of contention on that. It's always on the potential cut list," says Nygren, "and there are lots of staff members who serve on various committees who don't get paid."

Experience at Mounds View has shown that teachers are far more interested in curriculum and teaching issues than working on management problems. Those who have expressed the most dissatisfaction with the Professional Council are those who feel they don't have enough impact in those areas. There has been some shift in principals' roles, Nygren believes, but they have been positive ones. "Principals seem much healthier and happier," he says. "The '90s could be the era when we figure out that the people in charge of education should be the people who do the teaching."

Although he believes too few people are able to affect educational policy under the current Professional Council, Nygren believes that Mounds View is headed in the right direction, and he hopes that the council will continue with modifications. "We have an inner cadre of people who've developed respect for each other and good trust. They have a familiarity with the issues. We need to expand that, whether it's within the context of a Professional Council or not."

Twelve California Districts Launch Policy Trust Agreements

In an ambitious project in California operated by Policy Analysis for California Education and financially supported by the Stuart Foundation of San Francisco, twelve districts of varying size and

financial condition have entered into Educational Policy Trust Agreements. The California School Boards Association, the California Federation of Teachers, the Association of California School Administrators, and the California Teachers Association serve on the advisory board.

The policy trust agreements were put into place to develop new forms of school organization and new patterns of relationships among teachers and school administrators and to expand the range of labor/management discussions from technical, procedural work rules to the essence of educational policy.

A Written Compact

Julia Koppich, project director, and Charles Kerchner, consultant to districts entering into trust agreements, say that a policy trust agreement "is a written compact between a school district and its teachers, as represented by their union" (1990). Its purpose is "to specify educational problems of joint concern to teachers and school managers and to establish mechanisms for working on these problems." The trust agreement encourages a sharing of decision-making responsibility between teachers and school administrators, thereby altering the traditional, hierarchical authority relationships in the school district.

Trust agreements are not considered to be alternatives to collective bargaining, but a process to strengthen teacher responsibility in innovative programs that tend to fall outside the scope of the collective bargaining agreement. Nor are trust agreements intended primarily as devices to reduce conflict. Koppich and Kerchner say, however, that "our initial experience indicates that Trust Agreements create a much more cooperative negotiations setting than is usually found in contract bargaining" (1990).

The chief advantage of the policy trust agreement is its compatibility with the nature and organization of teachers' work, claims Douglas Mitchell (1986b). He says that the disappointing results of collective bargaining in education can be traced to teachers' adoption of a particular model of worker organization—industrial unionism. Although some elements of teachers' work are similar to the responsibilities of laborers—for example, taking attendance and collecting lunch tickets—teaching has more in common with three other work

types: craft, art, and profession. The Educational Policy Trust Agreement takes into account all four aspects of teaching.

Comparison with Collective Bargaining

Trust agreements differ from collective bargaining contracts both in their conceptions of work activities and in their procedures for implementation and problem resolution. Contracts "seek to specify *rules*," says Mitchell, whereas "trust agreements develop shared *goals*. This difference is extraordinarily important." Rules mandate behavior and delineate employee rights, then they hold the parties accountable for not wavering from mandated actions. By contrast, "the goals specified in a trust agreement define the *purposes* of teaching work activities and identify the *resources* to be used in pursuing those purposes."

In other words, trust agreements encourage teachers and administrators to cooperate in deciding what needs to be done. The emphasis is on joint planning rather than on accountability. For example, Mitchell says that a contract "might limit the right of managers to observe or report on teacher evaluations," whereas "a trust agreement would identify the goals of a fair and effective evaluation system and specify how the school district will proceed to develop one."

Implementation of a trust agreement follows an approach that differs markedly from the legalistic grievance procedures of a collective bargaining contract. Responsibility for implementing the agreement rests on the individuals directly involved with the problems and goals being pursued. These individuals must regularly evaluate progress and make necessary adjustments. If disagreements arise, they are resolved not on the basis of whether the signatories are following a set of rules but on the basis of a realistic assessment of whether everyone is making a good faith effort to realize the intended goal.

Initiating a Trust Agreement

Development of an Educational Policy Trust Agreement consists of four basic steps. Generally, teacher and administrator groups pursue these steps jointly.

First, the parties identify the goals or purposes to be pursued under the agreement. This step includes the specification of criteria to assess progress. Second, they identify the resources needed to attain the goals. Even more important than time and money is the need to clarify how organizational authority is to be assigned the responsibility of working toward identified goals.

Third, teacher and administrator groups describe the implementation process to be used in putting the resources to work on the identified goals.

Finally, the parties agree on adjudication procedures for handling disputes, initiating complaints, and authorizing someone to resolve disagreements.

Results after Two Years

In the first stage of California's trust agreement experiment, which began in fall 1987, six districts selected areas of policy in which they would attempt to develop trust agreements. Districts in Lompoc, Poway, and Santa Cruz chose peer assistance and review. Newport-Mesa chose staff development, and Petaluma selected the general area of staff and student evaluation. San Francisco chose two: career development for teachers' aides and an elementary-school-level literature-based reading program.

As of June 1988, Koppich and Kerchner reported that trust agreements had begun to alter the ways in which organizational decisions were being made. "Adversarial relationships have begun to give way to collaboration," they report, "and teachers are being included as partners in decisions about the structure and method of operation of school districts."

It should be noted that after districts chose areas of policy to focus on in the trust agreement experiment, staff members spent considerable time and money researching options and drafting and signing trust agreements. Lompoc, for instance, started the process by holding public meetings on the concept of Educational Policy Trust Agreements, and then invited a team of Ohio administrators and teachers experienced in peer assistance and review to train Lompoc staff.

In September 1988, six more districts joined the project: Berkeley, Cambrian Elementary (in San Jose), El Rancho (in Los Angeles County), Morgan Hill (in San Jose), San Diego, and San Juan. The

topics of their trust agreements include school-based management, identification of at-risk students, and peer coaching. It is evident that the twelve districts vary greatly in enrollment (from 2,500 to more than 100,000), in setting (urban, suburban, and rural), and in racial and ethnic diversity of their student populations.

In a progress report on the project's first two years, Koppich and Kerchner (1990) state that, while it is still too early to judge the success of this pilot effort, results are encouraging. Trust agreements "appear to be altering the ways in which decisions are made in project districts." School officials are including teachers as partners in the solution of organizational problems in such areas as student achievement, school restructuring, staff development, and teacher evaluation. The two parties are beginning to act as a team in crafting creative responses to the challenges that confront these districts.

Moreover, the trust agreements "seem to have the effect of replacing conflict with cooperation, thereby altering the traditional relationship between teachers and school managers." Although the trust agreements remain separate from contract negotiations, the researchers have noted a "spillover" effect. In at least two of the districts, the new sense of shared responsibility fostered by the trust agreement facilitated quicker and smoother negotiation of contracts.

The trust agreements have also produced role changes. Koppich and Kerchner say they "have found an enormous unfreezing of assumptions about who does what in the project districts." As relationships created in the trust agreement arena carry over into other settings, both administrators and teachers must learn to adjust. Thus it is not surprising that, in order for a trust agreement to succeed, union and district leaders must be confident of their support and willing to take risks.

When the parties began the process of crafting their agreements, many had trouble knowing how to proceed. Koppich and Kerchner say this finding is not surprising:

> Trust Agreements shake conventional notions of union-management bargaining and relationships. They challenge teachers and school managers to reach collaborative decisions. Trust Agreements are built from cooperation, not conflict. Thus, Trust Agreement negotiations call for a different set of skills than parties to traditional collective bargaining may possess. To successfully conclude a Trust Agreement, the parties need to develop the skills of goal-setting, team building, cooperative problem-solving, and consensus decision-making. These skills are not generally part of the

preservice or in-service program for either teachers or administrators, union leaders or district managers.

Although the trust agreement process has not been without problems, the project does show promise of encouraging teachers and school officials to assume collective responsibility for educational processes and outcomes, the researchers conclude.

At Lompoc Unified District, where a policy trust agreement is now in place to develop a new teacher evaluation program, Joseph Rudnicki (telephone interview, April 19, 1989), director of certified personnel, told us that teacher morale is high because the general consensus is that the agreement is enhancing professionalism, both for the teachers who do the evaluations and for the new teachers who are supported in their advancement in the profession of teaching.

At Lompoc, salaries are negotiated through collective bargaining, and Rudnicki doesn't see them moving out of that realm. But as a means of increasing professionalism, Rudnicki believes policy trust agreements have definite advantages for school districts. One of the disadvantages he sees is that there is ambiguity for some teachers. "Some teachers need clear-cut rules and regulations," he says. Also, he says that policy trust agreements may mean more time is needed for employee decisions. But, he points out, that isn't necessarily a disadvantage.

Oregon and Washington Districts Develop New Ground Rules

When the Oregon collective bargaining law passed in 1973, North Clackamas School District was ready to strike. As Marilyn Pheasant (1985) explains, teachers were wearing black armbands and picketing. Settlement was reached hours before the deadline, only because the school board made what they considered to be major concessions. The following year, the collective bargaining situation was much the same, and new Superintendent Donald Charles's main goal was to try to change the hostile atmosphere that existed between the board/administration and the teachers. He and three assistant superintendents attended a University of Oregon seminar that presented an alternative form of collective bargaining based on the premise that teachers do not want to run the schools, but they do want

to be treated with professional respect and receive fair pay. As Charles told Pheasant:

> I think that if North Clackamas had not had the two years of very bitter negotiations, perhaps neither the association nor the board would have accepted my proposal. But it was evident that bitterness was harming the teachers' effectiveness and the board's effectiveness. Very little else was going on. I am not sure that either side would have accepted it without the bitterness.

Charles's experience at North Clackamas points out one of the drawbacks of alternative forms of bargaining. Often, collaborative bargaining cannot be implemented until the current bargaining method breaks down, and once alternative bargaining methods have been successfully in place through several contract periods, union members often begin to call for hardline bargaining again. Another drawback is that collaborative bargaining requires better-than-average communication skills, something many negotiators lack. To function effectively, participants on both sides need to articulate issues clearly and to listen actively for responses when proposals are presented.

The North Clackamas experiment—called "Theory Z Bargaining" by the Oregon School Study Council (Pheasant 1985)—has worked successfully since 1974 because of its resemblance to William G. Ouchi's Japanese management philosophy. The process calls for management and union goal agreement, a cooperative team approach, concern for employee welfare, consensus decision-making, problem-solving, and structures and styles that facilitate communication. At North Clackamas, the proposal included these components:

1. Each side would bargain for itself without outside help at the bargaining table.
2. Each side would consist of an eight-member team.
3. Teachers would bargain only those issues pertinent to people in their district.
4. Monthly meetings would be held to discuss problems.
5. By mutual agreement, the contract could be negotiated at any time teachers felt it was necessary.

The agreement included the option of returning to traditional collective bargaining, and in 1977 newly elected union leaders wanted to do so, Pheasant says. They were persuaded not to by

teachers who had experienced both bargaining methods at North Clackamas. But in 1978, the bargaining went to mediation and then factfinding. The factfinder recommended acceptance of the board's offer, and the teachers voted to accept. Charles felt the experience boosted trust between teachers and board members and "institutionalized" the new form of bargaining.

Among the benefits of the new bargaining method were increased trust and cooperation, reduced negotiation hours, and increased communication resulting from monthly meetings. Pheasant notes that during the time Charles was at North Clackamas, a salary schedule analysis conducted by another school superintendent showed that North Clackamas fell from about third to about fifteenth in relative salary rates among twenty-three metropolitan area school districts. Since then, the district has sought to restore salaries to their previous relative position.

Charles later moved on to Lake Oswego School District, where hostility and strike-deadline settlements had characterized its collective bargaining process. Here, Pheasant reports, Charles instituted a modified version of Theory Z Bargaining. The bargaining teams were composed of three, instead of eight, members. Again, monthly meetings were credited with increasing cooperation and communication, as well as demonstrating to teachers that the administration was sincerely interested in problem-solving. Fewer hours were needed to reach contract agreement. Teachers helped districts pass school levies. Theory Z-style bargaining was adopted at other bargaining units in Oregon and crossed the state line into Washington with Larry Nyland, superintendent of Pasco School District No. 1.

Pasco, Washington

Nyland saw the new method succeed in Pasco for several years, where it was tagged "win/win bargaining." Then, in 1985, the procedure encountered trouble. Says Nyland (1987):

> Year by year, the players on our bargaining teams were replaced by new participants. Not all of them had seen the bitter results of traditional bargaining. Nor had they seen win/win bargaining in action. And as these new people replaced the old hands, the trust we'd built (since 1980) began to evaporate.

The bargaining ground rules called for team negotiations in small, informal settings, discouraged presenting formal contract proposals, suggested focusing on real issues, and set certain deadlines. To the new members of the bargaining teams, these ground rules seemed "meaningless." The teams reverted to formal negotiations, which increased hostilities. "I got mad," says Nyland.

> I believed in the win/win approach, but it wasn't working. So I reverted to old habits: I blamed the other side. I told everyone in no uncertain terms exactly how I felt. I tried to encourage, cajole, even badger both sides back to win/win bargaining, all to no avail.

Then, says Nyland, both teams were smart enough to declare an impasse and go home. After a cooling off period, both sides had decided that they weren't ready to give up on win/win bargaining. They started over and settled negotiations that same day.

Nyland feels that the problem had to do with listening: "We weren't listening to their side of the issues—we were simply waiting for the chance to give our side." Pasco remains committed to win/win bargaining because both sides feel that it preserves a healthy working relationship. One drawback, from Nyland's perspective, is that the superintendent is "putting himself on the line" at every negotiation session. "There's no place to run or hide. I'm a convenient scapegoat. I'm always nervous going into a bargaining session. It's risky."

Another possible difficulty with win/win bargaining, he says, stems from its emphasis on school improvement: when you begin using it, it's tantamount to telling teachers who've been teaching satisfactorily for twenty years that they should be doing better.

John Crawford, chief negotiator for Pasco Public Schools' teachers, says that his membership appreciates being able to solve problems as they arise, bypass a lot of unnecessary rhetoric at contract negotiations, and get to work on gut-level issues. One disadvantage from his standpoint:

> Our membership is a little on the complacent side. It's so smooth a process that they don't need to be very active. They get unaware of tough issues. We're working hard to generate more information and keep the membership abreast and involved.

Other Districts

Although collaborative bargaining is gaining in popularity, Oregon and Washington districts rely primarily on traditional collective

bargaining. Some districts, without abandoning the traditional approach, are placing more emphasis on cooperation between the parties. In Oregon's Springfield School District, for example, a three-year contract was signed in 1987 without acrimony through conventional (adversarial) bargaining. Nevertheless, the late Curtis Huey, who was director of personnel, told Liontos (1987) that his district's style of negotiation contained some "cooperative elements":

> If I believed that I needed to take some step that the collective bargaining process would permit, I think they'd understand that I would protect the district's interests. From that viewpoint, we're talking adversarial. From the viewpoint of what I consider to be respect and understanding and the need to listen, to make sure I understand them and they understand me, it's cooperative. But the parties have to look after their own interests. That's the intent of the collective bargaining law.

The settlement in Springfield was reached largely through positive attitudes and clear communication. In addition, the negotiations were conducted by district personnel rather than by outside negotiators.

In Eugene, following a prolonged teacher strike in 1987, a group of educators and citizens formed a Futures Group (1988) to study and recommend less adversarial methods of negotiating fair contracts. In addition, a joint committee of teachers and administrators has formed to study one of the district's hottest issues: that of insurance and other fringe benefits. Out of a bad situation, Eugene educators have made a modest beginning toward a more collaborative form of negotiating.

Midland Uses Contract Review Process

Midland (Michigan) Public Schools have used an alternative form of bargaining for more than a decade. According to Patricia Smith, former president of the Midland City Education Association (MCEA), and Russell Baker, assistant superintendent, writing in a 1986 article, Midland's contract review committee carried them out of an extended period of rancorous contract negotiations into the current decade of relative calm. Then, as Blake Rodman (1988) reports, when it was time for the MCEA to vote on the 1989-90 contract, the

teachers voted it down—twice. The MCEA membership was leaning toward hardline bargaining on certain contract issues.

It is instructive to note a comment of Gerald L. Hollowell, executive director of the MCEA in 1988, when the membership twice rejected contract proposals. As he told Rodman, "The changes come so easily and so piecemeal that there is a feeling that nothing ever really happens." In addition, many teachers feel that cooperation does not work to their advantage. As Hollowell put it, some teachers "are of the mind that if you pound the table hard enough and beat them over the head, you can get more out of them."

With a change of MCEA leadership, the current contract was signed. Assistant Superintendent Russell Baker feels that Midland's contract review committee has weathered the storm. Since the formation of the contract review committee, Midland has extended the 1976 master contract to 1990, with agreed-upon changes made in joint meetings. As the process works today, five members are chosen to represent union and management. A week before the regular monthly meeting of the committee, the two sides exchange a formal agenda. Meetings last from two to three hours, and some topics are discussed over a period of months before any resolution is reached, with some problems continually eluding solution.

Baker says that Midland's contract review committee process is subject to a lot of pitfalls. For one thing, he says, "We have to control expressions of personal animosity at all times. We cannot personally attack one another." When debate is heated, and the parties resort to personal attack, either Baker or the union leader steps in.

Midland has found one advantage of its bargaining style is a favorable public image that contributes to passage of tax increases when necessary. Citizens applaud the fact that the time and energies of teachers and administrators are being devoted to education, not internal fighting over arcane matters of school finance.

Baker attributes the success of contract review committees to several factors:

1. Midland is a community that supports the school financially. Only 1 percent of Midland's funding comes from the state of Michigan.
2. Trust. "This is extremely important," he says. "We may not agree with the membership, but we believe them. And if we say, 'We're not going to be able to sell this to the board,' they believe us."
3. The bulk of employees in Midland schools live in the district they teach

in. "They're participating members of the community in which they work."

Members of the contract review committee do not receive special training in negotiations, but Baker says that new members quickly become capable bargainers. The benefits? "They respect us and we respect them, we speak from honest positions, there is no posturing, and teachers have more say in running the schools."

Boston and Other Big-City School Systems Tackle Reform

Just a few years ago, some educators in larger school systems dismissed collaborative bargaining with the refrain, "It only works in small districts." Judging by the numbers of districts, they seemed to be right. Whereas collaboration had taken root in several smaller districts as early as the mid-1970s, by 1985 its proponents could point to only one or two urban districts that had reached a contract through collaborative principles.

The last five years, however, have brought a dramatic reversal. Since 1986, districts in Cincinnati, Minneapolis, Albuquerque, Rochester, Pittsburgh, Dade County (Miami), and Boston have replaced adversarial with collaborative bargaining, using many of the same procedures that have worked successfully in smaller districts. Several large California districts—San Francisco, San Diego, and San Juan (a 40,000-student district in Sacramento County)—have also begun to move toward collaboration in the form of policy trust agreements. It is now apparent that collaborative bargaining can work in a district of any size.

The impetus for collaboration in the big cities is school reform. Nowhere else are the problems of lagging student achievement, dropping out of school, and inadequate funding more acute or more intractable. The sheer size of the bureaucracies in urban school systems also makes them good candidates for school-based management, decentralized decision-making, and other kinds of restructuring. Academic, fiscal, and professional issues combined to put pressure on both teacher unions and district management to search for new solutions.

The realization that any solution would require unprecedented

cooperation between teachers and management led the parties to reevaluate their relationship at its most fundamental level: the way the contract is negotiated. In all these cities, the parties became convinced that "real change has a much better chance in a collaborative climate than in a climate of adversarial bargaining," in the words of Albert Fondy, president of the Pittsburgh Federation of Teachers (quoted by Marilyn Rauth 1990).

The Substance of Reform

To appreciate the contribution collaborative bargaining has made to breakthroughs on urban school reform, it is helpful to look at the substance of several contracts. In 1988, for example, the school district and AFT affiliate in Cincinnati entered into an agreement negotiated through win/win methods originating with the Harvard Negotiation Project. According to Blake Rodman (1988), the agreement was prefaced by a joint statement calling for closer collaboration between teachers and administrators as a "team of fellow professionals" mutually dedicated to using collaborative bargaining to improve education. Within the contract were provisions for two joint committees, one to develop peer evaluation guidelines and one to handle teacher assignments and class size. For the first time, the teacher union gained the right to appoint teachers serving on those committees.

The 1989 Boston contract established school-site councils that give teachers and parents extensive roles in managing and improving schools. The union and management agreed on how teachers and administrators would share power, established a teacher mentoring program, created a new policy on voluntary teacher transfers, and formed a joint union/management professional development committee. Most significant of all, however, is creation of "the nation's first contractual union/management system of school accountability," say Edward J. Doherty, president of the Boston Teachers Union, and Laval S. Wilson, former superintendent of the Boston School District (1990). Both parties are responsible for implementing this system, which requires each school to be assessed annually on the basis of a written plan. If a school's performance is found wanting, a "school assistance team," consisting of three members appointed by the union and three by the superintendent, will help the school to improve.

Several other districts where collaborative bargaining has figured prominently in school reform are Dade County, where a 1986 contract established school-based management and shared decision-making; Rochester, New York, where the union and superintendent in 1986 established a peer-assistance program modeled after the pioneering Toledo, Ohio, Intern-Intervention Program, established in 1981 also by a collaborative process; Pittsburgh, where a union/management partnership provides input into district decisions and initiates school improvement; and Albuquerque, New Mexico, where a joint committee is facilitating the district's implementation of school-based management and shared decision-making (Rauth)

The 1987 Rochester agreement made that district's teachers among the highest-paid and most involved in school decision-making in the nation (Rodman 1988). In exchange, the union agreed to give up some seniority rights, all in an effort to achieve mutual educational goals.

In most of these districts it is still too early to tell whether the reforms will achieve their intended goals. Nonetheless, the fact district management and teacher unions are working together on school reform is itself a major achievement, made possible by a change in bargaining strategies.

The Bargaining Process

Collaborative bargaining in large urban districts closely resembles the kinds of processes used by Glenbard, Warwick Valley, Mounds View, and other smaller districts described earlier in this chapter. Almost all the urban agreements involve the use of joint committees, which, after the contract is signed, develop recommendations and coordinate the implementation of items contained in the contract.

According to Rauth, at least one district, Albuquerque, has an arrangement that amounts to negotiating year-round; if a joint committee cannot reach consensus on an issue, the parties continue to study it until a solution is found, at which time an insertion is made into the contract. This process is similar to the continuous bargaining (achieved through monthly meetings) pioneered by Don Charles in North Clackamas and Lake Oswego, Oregon. The Rochester agreement likewise perceives bargaining as a continuous process rather than a single event.

Consultants are also commonly hired to facilitate communication

and problem-solving. Doherty and Wilson say that a consulting firm played a key role in the Boston contract. After two months of traditional adversarial bargaining had failed to produce an agreement, a group of Boston's business leaders asked the parties to consider using the services of Conflict Management, Inc. (CMI). This firm trains negotiating parties in the use of "principled negotiations" (formerly known as "win-win bargaining"), a technique developed by the Harvard Negotiation Project. CMI also served as the facilitator for the parties in the 1988 contract in Cincinnati.

Doherty and Wilson explain how CMI's consultants changed the negotiating process. Most important was the shift from two sets of bargaining proposals to one:

> No longer did each party have a "text" or set of bargaining proposals. No longer did each member of the rival negotiating teams "own" his or her statements and positions. The traditional practice of having one person speak for each team while all other team members remained quiet and of having the two sides hold caucuses to resolve internal matters was replaced with contributions from all and open brainstorming of "options."
>
> Such a negotiating process helps foster a collegial and collaborative relationship between the parties. The "one-text" procedure is a systematic approach for shifting negotiation away from concessions, eliciting underlying interests, simplifying the process of inventing options, and deciding jointly on one to pursue.

Three CMI consultants, Irma Tyler-Wood, C. Mark Smith, and Charles L. Barker (1990), describe how the single text was produced in the Boston negotiations. After talking with the parties, the facilitators drafted a proposal that incorporated the parties' important issues and interests. Each party then had an opportunity to criticize (but not "accept, reject, or revise") the draft.

The facilitators next revised the draft and submitted it once again to the parties for criticism. This process was repeated until, on the fifth draft, both parties agreed on the text. Tyler-Wood and her colleagues point to several advantages of this process:

> With the facilitator handling the writing and synthesizing, people are less likely to take positions or develop a vested interest in specific language or terms. And because the draft is not the work of one party or the other, both parties can criticize it freely without damaging their working relationships. The one-text method also allows them to learn that they often share the same interests—raising test scores, for example, or lowering the dropout rate—and only disagree about the means used to achieve those ends.

Boston's new process set the stage for the parties to identify mutual goals, generate creative options, and enter into a partnership for ongoing reform of Boston schools. Doherty and Wilson say,

> Both the union and the district administration consider these negotiations to be the most enjoyable they have ever experienced. The settlement was not simply the result of compromise; it was one in which both parties achieved their major goals. It wasn't necessary to negotiate in public, and the negotiations ended with a breakthrough agreement that both sides are eager to make work.

They conclude, "Both parties recognize that this contract could not have been achieved through traditional bargaining."

Widespread Benefits

School districts that persevere toward establishing a collaborative bargaining format will reap more than harmony in labor relations. As the growing number of contracts in large urban districts demonstrate, teacher unions and district management can use collaborative bargaining as a platform from which they can work together to restructure schools and accomplish other goals. Harmony, to be sure, is a worthwhile goal in itself, but it is even more valuable as a fertile climate for growing agreement on school reform.

Similar far-reaching benefits of collaborative bargaining are also evident in the experience of the Forest Park, Illinois, schools, as Richard Wynn (1983) reports. Several years after Forest Park initiated its Gaining Committee, then Superintendent Arthur Jones cited numerous benefits for the organization, its management and employees, and the community. For example, teachers and school board members gained understanding and respect for one another's roles and responsibilities. Principals, whose voices are seldom heard in traditional bargaining, took part in the discussion. Along with improved communication among all the parties, Jones noted, "there is greater clarification and acceptance of organizational goals."

Jones also observed that participative decision-making increased "at all levels of district operation," support for the proposition that collaboration at one level of an organization—in this case, labor-management relations—encourages collaboration at other levels as well. "Time is devoted to seeking agreement on issues and improve-

ment of the educative process rather than on devising strategies whereby the teachers may be held in check or blocked in their efforts to assert their professional identities," he said.

Common Elements

Although each of these districts has devised an approach suited to its own situation, several elements common to all the approaches stand out. Most obvious is the emphasis on cooperation between teacher unions and school district management. It is no coincidence that most of these districts at some time in the past had a bitter experience with the industrial model of collective bargaining that motivated the parties to shed their "enemy camp" positions. Trying hard to avoid another strike or similar breakdown, the parties have successfully bridged real or perceived gaps to negotiate collaboratively toward mutual goals.

Second, all districts surveyed for this monograph are committed to problem-solving on an ongoing basis, which means meeting at least monthly to deal with problems as they arise. Third, an increased number of participants in alternative bargaining methods, plus an increase in discussions and decisions at the teacher level, have added up to a need for expanded communication networks.

Fourth, while teacher involvement in school decisions has meant a greater time commitment on their parts throughout the school year, most districts reported that periods of contract negotiation were shortened and that teacher professionalism and morale had increased, both from exercising increased responsibility and from developing closer working relationships with administrators.

Fifth, the parties preferred to conduct the negotiations themselves. Neither the school boards nor the teacher unions hired professional negotiators, who may not have firsthand knowledge of education and who, unlike school personnel, do not have to live with the outcome of negotiations. Consultants, on the other hand, have played vital roles in several districts as facilitators of the collaborative process.

Finally, none of the districts presented collaborative bargaining as a panacea. Although officials in all districts using alternatives to traditional collective bargaining believed that benefits outweighed

disadvantages, they also reported areas of the process that needed modification.

For those districts wishing to adopt a collaborative approach to bargaining or to improve the one they already have, the next chapter is a compilation of helpful guidelines to be followed before, during, and after collaborative bargaining.

CHAPTER 5
GUIDELINES FOR COLLABORATIVE BARGAINING

In the previous chapter, we examined several school districts that have been successfully using collaborative bargaining methods—in some cases, for many years. All the district superintendents and union leaders interviewed indicated that the majority of parties involved have found definite advantages to collaborative bargaining efforts. They stress, however, that in order to reap the advantages of the collaborative processes, continuing attention must be paid to them at all stages. In addition, some districts fine-tune or radically reconstruct their bargaining methods from one contract negotiation to the next in an effort to better meet their particular needs.

The following recommendations—grouped into steps that should be taken before, during, and after the bargaining process—are based on the experiences of school districts that have implemented various forms of collaborative bargaining. These guidelines may be of interest to school boards, administrators, and teacher unions that wish to incorporate aspects of collaboration in their collective bargaining.

Even districts and unions that do not want to abandon their traditional style of bargaining may find the guidelines useful. No matter which model of bargaining is used, the guidelines ensure a high level of preparation and sensitivity that can help to prevent the negotiations from reaching a hostile stage.

Before Bargaining

Consider holding an informal forum where representatives of all interested groups can openly discuss previous conflicts

and frustrations. This "venting" process may be a necessary step before you can move on to constructive methods of team problem-solving. The precedent for the free flow of communication so necessary to collaborative bargaining begins here. After everyone has said everything they need to say about previous negotiating problems, present some alternative models and allow teachers and administrators time to consider them.

Larry Nyland, superintendent of the Pasco, Washington, school system, says: "Don't go too far with it from the management side. Let the membership study the alternative methods. Ownership is important."

Build mutual trust. Not enough can be said about this crucial, ever-present step in the negotiation process. Often overlooked or taken for granted, trust-building is not a difficult step. If yours is a district in which levels of trust are already high, work to keep them there. If, on the other hand, bitter negotiations have all but destroyed trust and respect, begin at once to slowly rebuild them. Consider informal gatherings, social retreats, potluck dinners, communication seminars, sports teams, and staff/administration newsletters to give colleagues the opportunity to get to know one another on a personal level.

If attempts to build trust and establish common goals cannot overcome stockpiled hostilities and suspicions, collaborative bargaining may not work for you at this point. As faces (and personalities) change, collaborative bargaining may have a better chance. In the meantime, provide opportunities for those who express an interest in alternative bargaining methods to gather information about them.

Conduct an inclusive forum to discuss past bargaining failures and possibilities for future efforts. During dialogue, administrators, board members, and union leaders should analyze the effects of current bargaining practices on students, community, and staff. Consider such questions as: Have the bargaining practices increased the overall effectiveness of the district? Have the practices increased communication in the district? Have they enhanced teamwork?

Unlike the first forum, this one should *not* focus on emotions, but examine procedures and effects divorced from personalities and interpersonal conflicts.

If one side favors change and the other side does not, discussion must continue until both sides share a common vision of what needs to happen— whether that is retaining traditional collective bargaining or integrating new methods, perhaps outside the realm of salary negotiations.

Jointly research the alternative methods of negotiating contracts and resolving problems. Research could include reading collaborative bargaining "classics," such as *Collective Gaining: An Alternative to Conventional Bargaining* by Richard Wynn; *Getting to Yes: Negotiating Agreement Without Giving In* by Roger Fisher and William Ury of the Harvard Negotiations Project; and *A Behavioral Theory of Labor Negotiations* by Richard Walton and Robert McKersie. Many suggestions for further reading can be found in the bibliography of this monograph.

Consider freeing time for teachers and administration to jointly investigate the various alternative bargaining methods. They may need to visit other districts, arrange for information or training teams to visit your district, arrange seminars, and interview consultants. Consider methods of providing funding for research efforts.

Do not neglect study of state laws, which may obstruct certain programs or procedures that your district is considering. It may be necessary to petition the state to waive or modify certain regulations.

Enhance communication and negotiation skills. It is unrealistic to assume that teachers and administrators are skilled negotiators. Utilize courses, workshops, and outside consultants to teach teachers and administrators communication and negotiation skills. Most people enjoy improving, learning, and using new skills. Training can add an air of enthusiasm to negotiations. In some districts, teacher organizations and administration split the cost of consultant or seminar training. At the minimum, consider a one-day workshop on nonconfrontational negotiations.

At least two districts surveyed—North Clackamas and Lake Oswego, Oregon—used no outside training, indicating that a desire to change may be sufficient for collaborative bargaining to succeed.

Another alternative to training of participants is the use of a permanent communications facilitator. The "collective gaining" process developed by Richard Wynn (1983) requires a facilitator with these traits:

one who has abundant sensitivity, patience, and respect and trust for all; one who has wisdom, sharp group-process skills, and high level communication skills; and, above all, one who has an unremitting faith in the democratic process. If others in the group have the same skills, the facilitator's task is much easier.

Establish a timetable and some basic guidelines for the process, including an "escape clause" that will allow you to return to traditional collective bargaining. Guidelines usually include a joint statement of purpose for entering into collaborative bargaining methods. Often, they restrict the number of items to be placed on the bargaining agenda, clarify the items that will be considered, and set time limits for reaching agreement through alternative bargaining methods.

At West Linn, Oregon, district negotiators found that setting a time limit of one afternoon in which to reach agreement acted as an incentive to restrict issues and players. Districts may start collaborative bargaining processes months ahead of time, establishing different deadlines for committees charged with making recommendations for solving various problems. Some districts revert to traditional bargaining for problems remaining unsolved at the end of June.

Form an agenda committee and limit the agenda to essential issues. Work out minor problems beforehand in less formal groups. By thus limiting the agenda, negotiators can focus on issues of primary concern to everyone in the school system. This also gives involved parties the sense that their goals are attainable, particularly if collaborative bargaining is new to them.

The Forest Park, Illinois, school district used the following criteria to determine agenda issues:

1. The problem should affect all groups represented on the committees.
2. The problem should reflect a need for participatory integration of the views of all factions.
3. Solution of the problem should potentially benefit everyone in the district.
4. Fiscal and legal implications should be evaluated prior to committee deliberation. (Wynn 1983)

Choose team members wisely. Select people who not only have good interpersonal skills, but who are respected and credible in the

eyes of colleagues. The selection of representatives should be based on the issues under discussion.

Effective team members will canvas their constituents for their views and concerns. Team members must be willing to dissent with articulation, clarity, and equanimity and to compromise and work for the common good.

The preferred size of negotiation teams has varied from district to district. Some believe progress is quicker with small teams; others feel that larger teams provide a more democratic representation and tend to override regular dissenters. Whether teams number five or twenty, they must include managerial and teacher representatives.

Remember that communication is crucial. Keep clear, complete records of all committee proceedings, and make sure all teachers, administrators, and board members remain informed.

Don Charles, retired superintendent of North Clackamas and Lake Oswego school districts, says: "I made a big mistake. I got together with the school board—they had a good understanding of what we were going to try— then, the teachers. They also had a clear understanding. But I failed to explain it to all the administrative team—my principals—they were scared to death." Charles recommends joint meetings and newsletters to keep information flowing.

Develop lines of communication that allow for a mutually acceptable flow of information. Active listening is basic to collaborative bargaining. It enables participants to ask appropriate questions and develop mutually acceptable solutions to problems.

To allow sufficient time for the negotiating teams to communicate fully, plan to meet on a regular basis. During contract negotiations, this may be as often as twice a week, with added sessions for larger groups of members.

Any information that goes out to the press must be agreed upon jointly and released jointly.

During Bargaining

Meet in comfortable, informal surroundings. It will be most effective for the parties involved to think of themselves as partners in a hard-headed, side-by-side search for a fair agreement advantageous to each. Avoiding an "our side against your side," across-the-table setting can help negotiators feel like a team. Instead, try to have

everyone on the same side. For instance, have the contract at the front of the room as a point of focus and the parties seated together.

Have patience. It takes a tremendous time commitment from participants for collaborative bargaining to succeed. However, most users of collaborative methods agree that the time is spent throughout the year in relatively peaceful and constructive meetings rather than in prolonged, heated combat at contract negotiation time. Most collaborative bargainers have reported that contracts are settled in record time because of the attention to problems throughout the year.

Don't try to accomplish everything at the bargaining table. Designate people on both sides with expertise, stated interest in particular areas, and the respect of their colleagues to handle problems. Agreeing to accept their recommendations saves time, involves people, and puts expertise to work on specific problems. Management and union leaders may retain veto power.

Carefully and cooperatively approach the issue of salaries. Members of both negotiating teams should work together to develop a single set of revenue figures. This prevents disagreements over how much money is really available and eases tensions over the typically hot issue of salaries.

In Vermillion, South Dakota, the school board and teacher union share the cost of hiring a teacher with computer experience to work with the school system's business manager to develop projected revenue figures. The two concoct several financial scenarios provided in the form of computer printouts to negotiators.

Union members should strive not to make unreasonable demands, as their counterparts in negotiations should strive to listen, compare, and make fair salary judgments given the limitations of the district's financial situation.

In many districts, salary negotiations remain in the arena of traditional collective bargaining while other contract issues enter less formal collaborative mediation. Other districts have had no problem bargaining salaries collaboratively.

Keep communications open. Unless negotiators reveal their complete bargaining agendas and agree not to spring surprise demands at the last minute, contract talks can become frustratingly complex. Agenda committees may be used to limit topics for discussion.

Negotiating teams should be frank about the maximum they are willing to concede (or the minimum they can accept) in salary and other negotiations, while keeping in mind that they may have to scale down expectations in the interest of harmony.

Use active listening to understand your colleagues' arguments. Discuss feelings as well as facts, keeping in mind that the human element cannot be entirely removed from negotiations. You will always be dealing with problems of perception, emotion, and communication. Try to maintain a sense of humor and keep issues in perspective. Consider allowing only one person at a time to express anger; such a rule will legitimize expression of emotion while controlling an unproductive chain of angry reaction. If things do get out of hand, consider a week-long cooling-off period before meeting again.

Keep information flowing. Your recorder's abilities are important. Record all issues, actions, input, and recommendations. Minutes of all meetings should be circulated to the entire membership, giving an accurate account of what is taking place. Consider installing a special telephone line to update interested parties. Press releases can be written at the bargaining table or joint committees can be designated to write them.

Negotiate with a spirit of problem-solving. Agree that a problem for one party is a problem for both. Always look to the future. Do not adopt strategies that jeopardize the long-term relationship between the parties. Make a "good faith" effort to settle the contract in the collaborative process. There is more opportunity for creativity and problem-solving when settlement is reached without calling in a state mediator or official factfinder; so, before that point is reached, consider hiring, changing, or dropping facilitators; changing locations, meeting times, foods, or other seemingly inconsequential variables; declaring a moratorium on press coverage; opening negotiating sessions to the public if they've been closed (or vice versa); rotating spokespeople; or starting the whole process over again.

Maintain good community relations. Listen to the community. Allow parents and taxpayers to express their sentiments through means other than by voting for or against school levy requests. Treat community members as partners in education. Open negotiations to the public or representatives of the public. Allow observers to make

helpful suggestions about how to resolve difficult issues or break impasses.

After Bargaining

Publicize the gains that collaborative bargaining has achieved. Generate broad support for the collaborative approach. Focus on what was achieved rather than on what wasn't accomplished. To maintain support for collaboration, periodically remind everyone of the district's painful experiences with the adversarial approach—memories that tend to be quickly forgotten when everything is going well.

Maintain union leaders' legitimacy in the eyes of their members. School officials must realize that union leaders need to strike a balance between cooperating with management and pressing aggressively for the needs of the members. Because union leaders must be strong advocates for their members, they cannot appear to become too closely aligned with management. Each time the union and management present a new settlement proposal, they should take steps to alleviate the concerns of those teachers—present in every district—who feel they may be sacrificing something because the settlement wasn't reached through the usual adversarial methods.

Keep a tickler file of problems encountered in negotiations and in administering the current contract. Keep everyone informed and solve the problems to the extent that they can be solved before returning to contract negotiations. Encourage parties who are discontent to air their feelings and hear them out. Examine what might be done differently in the future.

Ascertain that agreements are being honored. Create an evaluation group to verify that all agreements made at the bargaining session are being honored. Balance faculty and administrator participation.

Set up joint committees to handle issues. Identify problem areas that arose during bargaining or those that crop up during the school year. Have a process in place for defining school or dis-

trictwide problems that will be handled by joint committees, and make sure that everyone is aware of the channels for obtaining resolution of the problems.

Keep the bargaining continuous. Don't allow issues to accumulate. Resolve problems as they occur. Schedule problem-solving meetings on a regular basis. Try to deal with all the "nitty gritty" issues that might assume disproportionate importance during the next contract negotiation. Meet regularly even if there are no items on the agenda. Utilize these meetings as social affairs to continue trust-building. Make efforts to keep teachers actively engaged in collaborative bargaining.

Keep staff updated. Incoming staff members will need to be thoroughly informed about the method of collaborative bargaining your district is using. Of course, the same is true for new board members and administrative staff. Although a good deal of collaborative bargaining practice is based on common sense and a team approach to problem-solving among professionals, do not fall into the trap of taking for granted that everyone understands the processes of collaborative bargaining. Make certain all parties understand district guidelines concerning what issues may be bargained and what procedures exist for handling grievances. Continue to make efforts to include more or a different group of teachers and citizens in decision-making. Continue to offer opportunities for team members to improve negotiation and communication skills.

CONCLUSION

This monograph reports on the wide-ranging efforts of school districts that are incorporating some measure of collaborative bargaining to accomplish the shared goals of professionalism in teaching, improved education, and productive labor/management relationships.

For the most part, the school officials we interviewed were excited about the successful results of their districts' efforts. They reported increased team spirit and a shared sense of direction; better communications among teachers, administrators, students, and communities; resolution of jointly identified problems; less adversarial attitudes between teachers and administrators; timely contract agreements; and professionally satisfying empowerment of teachers.

Yet in many cases these successes were attained only after the bargaining parties experienced setbacks and failed efforts. Collaborative bargaining takes work and time. Moreover, just as collaborative bargaining usually is not put in place until traditional collective bargaining has broken down, inertia is likely to set in after immediate problems have been solved, the euphoria of peaceful negotiations has passed, and the public is no longer heaping praise upon the hard-working collaborative bargaining participants.

Larry Nyland, Pasco, Washington, superintendent, says: "I used to think that trust was the most important ingredient in collaborative bargaining. Not anymore. It's listening. *Really* listening to what the other side is saying, and then asking probing questions."

Nyland's experience at Pasco, where collaborative bargaining broke down for a time, points out that there are other kinds of posturing than those accepted in adversarial bargaining. In this case, the posturing amounted to putting a collaborative bargaining method in place, working successfully with it to a point, and then lapsing into a *listening posture* without any real, active listening going on.

Fortunately, the parties in Pasco were not willing to lose the gains they made through collaborative bargaining, and through self-examination and time, they were able to get back on track.

Collaborative bargaining is like marriage in that it takes commitment from both parties to work. There may be calm, productive periods when the benefits of collaborating are splendidly evident, and then there may be hard times and heated arguments. In collaborative bargaining, as in marriages, some personalities exist for whom peaceful negotiating will never be satisfactory.

As Joseph Rudnicki, director of certified personnel for the Lompoc, California, school district, says:

> Who is selected for the teaching profession may be changing. Traditionally, psychological profiles of teachers have shown a high need for security and continuing approval. The new teacher may be more self-evaluative and autonomous, accepting authority and responsibility. It's a shift that may occur naturally—a deselection—problem of the profession that may be solved by time.

For teachers and administrators, the 1990s bring with them the possibility for exhilarating change in negotiations processes that have the potential to advance the teaching profession, educational labor relations, and the quality of American education.

APPENDIX

POSITION STATEMENTS BY FOUR NATIONAL ORGANIZATIONS

If collaborative styles of bargaining are going to spread beyond the relatively few school districts that practice them now, the concept of collaboration must receive at least the tacit endorsement of national professional organizations representing school boards, superintendents, and teachers.

Four key organizations whose positions will help to determine the fate of innovative bargaining procedures, therefore, are the American Association of School Administrators, the American Federation of Teachers, the National Education Association, and the National School Boards Association. To help readers assess the political climate surrounding collaborative bargaining, we asked these organizations to prepare the following position statements.

We solicited the statements with two purposes in mind. First, we wanted to know each organization's official stance on alternative styles of bargaining. And second, we invited the organizations to respond to the particular factual information and viewpoints expressed in this book. Thus, the statements both explain the organizations' positions and contribute to the balance of perspectives contained in these pages.

American Association of School Administrators

Expectations for America's schools are on the rise. Pressure is growing for results. In fact, the people of our nation traditionally expect our schools to help solve the most challenging problems

facing society. If we expect citizens to see the schools as problem solvers rather than as part of the problem, we need to improve on the process of collective bargaining. It is a fact that when the process becomes overly adversarial, public perceptions of our ability to solve problems go into a deep slide.

The American Association of School Administrators (AASA) strongly supports efforts to develop new and innovative approaches to collective bargaining. Those approaches should be designed to minimize confrontation and maximize recognition of the professional nature of teaching.

Stuart Smith, Diana Ball, and Demetri Liontos have "captured the spirit" in this publication, *Working Together: The Collaborative Style of Bargaining.* Collaborative bargaining, trust agreements, and Theory Z bargaining are approaches that deserve attention. The bottom line is that bargaining should be an effective process for communication and problem solving.

Communication between administrators and teachers should be frequent. If problems are developing, they should be spotted early and solved. That approach, in itself, would build public appreciation and lessen our headaches.

At AASA, we believe people should be involved, to the extent possible, in decisions that affect them. Staff involvement in decisions and school-based management are some of the more prominent anchors of current school reform recommendations. Through the processes described in this publication, we can effectively pursue at least a portion of our reform agendas.

What should be on the negotiating agenda? That is a local matter. However, the result of everything we do in education should be a better education for students. Our effectiveness and public perceptions of what we feel is important will either be enhanced or hindered by the process we choose.

If schools follow the guidelines recommended in this publication, they'll be well on the way to deciding whether a more collaborative form of "getting-to-yes" bargaining is for them. At AASA, we urge them to give the process a try.

Submitted by Richard D. Miller
Executive Director
American Association of School Administrators
Arlington, Virginia

American Federation of Teachers

The American Federation of Teachers supports school restructuring and improvement in education, and believes that process is served to some extent by a strong established local union engaged in traditional collective bargaining. Upon reviewing *Working Together: The Collaborative Style of Bargaining*, I found it a thoughtful work, and I am certain it will find broad acceptance by those involved in the dual aspects of education that include restructuring and collective bargaining.

In our policy statement *The Revolution That Is Overdue*, we underscore our conviction that meaningful improvements in education will be less likely to occur in districts where basic working conditions and compensation issues are not addressed in a reliable fashion. This position would put AFT at some variance with Susan Johnson's definition of traditional collective bargaining (quoted on pages 2-3 of this book) and the related conclusions that suggest the adversarial process of collective bargaining focuses on the extreme and sometimes frivolous, but largely self-interest goals of the union. We could point to a number of agreements reached by our affiliates that arose at our insistence, that advanced the interest of the entire community (as opposed to the self-interest of teachers), and that were welcomed and accepted by management as a positive step toward a rational restructuring of the education enterprise. Our experience with bargaining may have begun as Johnson suggests, but has matured, changed, and grown beyond the traditional approaches she describes.

This is not to suggest that our affiliates do not find aspects of collaborative bargaining useful and appropriate to meet their needs. Our affiliate in Pittsburgh has for some time been involved in a process I call *dynamic bargaining*. The local has enabled nonprecedent-setting experiments to occur, thereby providing within the collective bargaining agreement a laboratory for experimentation. When the results prove useful on a limited scale, the union and management can proceed to examine the application to a broader segment of the district.

In another instance, Miami, the collective bargaining agreement serves to anchor the change around the locus of the school site. Schools that wish to experiment seek waivers from the contract, and for several years now extensive waivers have been agreed to by the union and management. This allows for individualization of pro-

grams and supports the effort to tailor change to needs while ensuring that basic planning can occur to meet the requirements of this large and diverse school district.

In smaller districts, the approach of anchoring change in a collective bargaining agreement works. In Hammond, Indiana, the parties to bargaining recently faced a number of external forces acting on their district goals. Through the collective bargaining process, the pulse and measure of each party had been taken, and a level of comfort and trust had been established over the years. As a consequence, a landmark ten-year basic agreement was reached, with provision to make changes and alterations upon sixty days' notice from either side. The Hammond experience is akin to the collaborative efforts suggested in this book and is an example of how the bargaining process can be adapted to achieve school reform, as discussed on page 12.

The barriers to change are structural, and not as often related to personalities or local circumstance. California has one of the most restrictive, limiting, and unresponsive scope-of-bargaining laws in the nation. The effective barrier to change in California is not the narrow self-interest, or an atmosphere of "secrecy, dissembling, bullying and doggedness" as described by Johnson. The limits to a collaborative effort can be found in the dispute resolution process that limits the decision of the neutral to a review of what *present* practice is in the surrounding or comparable jurisdictions. The effect is to say to teachers, and administrators as well, that if you do not already have a provision in your contract, or are not willing to agree to the issues separate and aside from other related and important contractual issues, then you will never find support for the items and the neutral cannot grant the request. Site-based management would not be in 600 schools in Los Angeles were it not for the ability of the parties to exceed the limits of their circumstance and act on behalf of children, parents, teachers, administrators, and other community members. In an atmosphere that was as charged and volatile as any labor negotiations in recent memory, the parties were still able to find a way to address important issues for their constituents within traditional collective bargaining.

In places where our affiliates have attempted collaborative bargaining—Minneapolis, Cincinnati, Rochester (New York and New Hampshire), Boston, Pittsburgh, Miami, and others—we have made outstanding progress. The recent Chicago efforts have resulted in a

marked change in the bargain-strike-bargain labor relations patterns. Collaborative approaches to bargaining, grounded in a contract that guarantees basic rights, have been the key to establishing a positive atmosphere for change.

Submitted by Jewell Gould
Director of Research
American Federation of Teachers
Washington, DC

National Education Association

As a matter of policy, the NEA does not dictate to its local bargaining affiliates any specific collective bargaining process or method. In its training programs for local staff and leaders it attempts to provide them with the analytical tools necessary for them to make decisions as to the best bargaining behaviors to engage in, in light of their own political, social, economic, and legal circumstances.

Submitted by John Dunlop
Director, Collective Bargaining/
Compensation
National Education Association
Washington, DC

National School Boards Association

Today more than ever before the attention of our country is focused on the improvement of public education. Beginning with the publication of *A Nation At Risk* in 1983, we have progressed through three "waves" of education reform that have focused successfully on the need to raise education standards, professionalize teaching and decentralize decision-making, and, most recently, establish national goals for education. There is general agreement that, in order to

ensure the continued political leadership and economic competitiveness of the United States internationally, our schools must do a better job of preparing all our children to function as educated and productive citizens.

Key to the achievement of that objective is cooperation among not only school boards, school administrators, and teachers, but also parents, the community at large, and government at all levels. There is a growing recognition that to function effectively—particularly in dealing with at-risk youth—the schools need the support of all groups having responsibility for the health and well-being of children.

Within this broad context of cooperation and communication, collaborative bargaining can enhance the provision of quality education services to children by fostering improved relationships among school boards, administrators, and teachers in school districts where collective bargaining exists. Although NSBA does not have a specific formal policy on collaborative bargaining, the 1988 report of the NSBA Commission on New Communications in Public School Educational Operations, *Communicating Change: Working Towards Educational Excellence Through New and Better School District Communication*, urged school boards to encourage new communications efforts as part of their thrust to improve local education.

The report provided examples of and contact information for a number of districts that had utilized collaborative bargaining effectively. The report characterized these efforts as ones in which "teachers and school officials sit on the same side of the table and try to identify common approaches to problems without bringing their adversarial baggage into the room." "When such alternative negotiating techniques are successful," the report noted, "the product is easy for all sides to embrace."

Collaborative bargaining was only one of several forms of new communications in school districts that the commission examined. *Working Together: The Collaborative Style of Bargaining* explores collaborative bargaining more extensively. This book thoroughly describes the process and places it firmly in the theoretical context and institutional history of collective bargaining. It also assesses candidly the benefits and limitations of this approach. Finally—and most importantly from the perspective of school board members—it discusses the actual experience of school districts with collaborative bargaining and provides well-defined guidelines for implementa-

tion. School districts seeking to reach beyond traditional collective bargaining practices—particularly as they seek to achieve the national education goals—will find this publication informative and thought-provoking.

Submitted by Martharose Laffey
Assistant Executive Director
National School Boards Association
Alexandria, Virginia

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WORKING TOGETHER
The Collaborative Style of Bargaining

Stuart C. Smith, Diana Ball, and Demetri Liontos

Collaborative bargaining is not an alternative *to* collective bargaining, but rather is an alternative *form of* collective bargaining. Today in a growing number of school districts, teachers and school officials are seeking to avoid the acrimony of adversarial bargaining by incorporating trust, problem-solving, and cooperation into their bargaining procedures. Particularly in big cities, teacher unions and school districts are using collaborative bargaining as a vehicle for initiating school reform.

This book reports on how collaborative procedures actually work in those districts that are using them now and offers guidelines to school boards, administrators, and teacher unions that would like to adopt a collaborative process.

Includes position statements written in response to this book by the following organizations:

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